United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, MAY 18, 2010 No. 75

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

BICYCLING BURNS CALORIES, NOT FOSSIL FUEL

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I just returned from a 2-day livability tour, thanks to the courtesy of my colleague, Congresswoman ALLYSON Y. SCHWARTZ, a champion of sustainability. I visited her district in Pennsylvania, where she represents parts of Montgomery County and Philadelphia, where we saw rural landscapes, small townships, suburban communities, dense urban areas, open space, abandoned industrial land, and an aging but vital transit system. Together, they illustrated all the challenges that we face in our efforts to rebuild and renew America.

I have a special interest in their initiative for a trail network, where their vision and hard work was rewarded by millions of dollars from the Obama administration and the economic Recovery Act to help fill in the gaps of an exciting trail expansion for the two-State region, including New Jersey.

Amidst impressive progress on Mayor Michael Nutter's vision to make Philadelphia the greenest city in America, with innovative water projects, creative private sector efforts in green development, township progress on revitalization, and important progress in open space protection, the bicycle session stood out. The increase in ridership in Philadelphia was impressive, and they have undertaken a spectacular program—in all 172 elementary schools to train young cyclists and pedestrians. It certainly got my attention. But so did the challenges they face as cycling advocates. It didn't appear as though the regional planning agency, or PennDOT, placed a high priority on bicycle safety. I hope I'm wrong, especially since bike fatalities doubled last year in Philadelphia, but it would not be unusual if it didn't capture a priority. Nationally, bicycle and pedestrians represent 15 percent of all traffic fatalities but only 3 percent of our spending on safety improvements and education, about one-fifth of the proportionate share that would be warranted. It's especially sad, because the bike and pedestrian victims are more likely to be children and the elderly, more vulnerable populations that should, if anything, command more of our attention.

The cycling community is doing its part to change this unfortunate pattern. As part of its effort to raise awareness, tomorrow in 49 States and 21 nations, there will be Rides of Silence. There will be 274 silent processions riding no more than 12 miles an hour to show respect for the families, friends and neighbors of 700 cyclists killed last year in America alone and as a reminder to law enforcement, to motorists and government officials of both the dangers to and the opportunities for cyclists.

You know, it doesn't have to be this dangerous. Facilities, awareness, training and courtesy can all make cycling safer. I have seen it firsthand. I represent Portland, Oregon, the unofficial American cycling capital. We have had spectacular increases in bike riding. It's doubled in the last 10 years alone, the highest participation in any major American city, but the rate of injuries and death was cut in half.

At a time when more and more Americans want to burn calories, not fossil fuel like the oil bubbling out in the Gulf, when they want to fight congestion, obesity and save money cycling, let's work not just to make it convenient and fun but safe, especially for our children.

This is Bicycle Month. On Friday, we have Bike to Work Day all across America. Tomorrow, I hope Americans will join us in respecting the Rides of Silence to raise awareness for cycling safety.

RECESS

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

You alone are the Lord our God, Father of all, Who is over all and works through all and is in all. Each of us has been endowed with great gifts by You, Almighty God, and we receive these gifts according to personal measure.

Let us therefore no longer act as children, wasting time and playing games with one another for our own satisfaction. Allow us not to be tossed about here and there by every kind of story and rumor born of human trickery, so skilled in half-truths.

Rather, Lord, hold us to that greater truth founded on a unified assessment that will provide common ground upon

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which we can stand together and achieve lasting security; and as a Nation, give You glory both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. GUTIERREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BP: BANNED PERMANENTLY

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, the initials BP used to stand for British Petroleum. But now it stands for Burying People—or Burying Precious natural resources—under a vast sea of oil. But here's what BP, a serial abuser of our safety, our environment, and our legal system, should really stand for. BP: Banned Permanently.

Today, I ask my colleagues to end any and all Federal oil drilling leases for BP and begin an immediate civil and criminal investigation to examine the existing leases under BP. Almost a month into one of the worst manmade environmental and economic disasters, BP has worked harder to minimize public understanding than to minimize destruction to the Gulf of Mexico. There's plenty of finger-pointing from BP, their $62 billion in profits, and their multimillion-dollar team of lobbyists. What BP should hear from us, the American people, is simple: BP stands for Banned Permanently.

I urge my colleagues to join me in demanding that Interior Secretary Salazar tell ''Banned Permanently'' they've made their last dollar from the American people.

COURAGEOUS NFIB LAWSUIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I applaud the National Federation of Independent Business, better known as NFIB, for standing up for small businesses in the State of South Carolina, like OCS Doors of Beaufort, led by Jay Halloway, and the Sunset Grill of West Columbia, established by Betty Jackson. Employees at small businesses like these all across America are concerned about the impact of the job-killing mandates of the government health care takeover. The NFIB estimates the takeover will kill 1.6 million jobs. The NFIB stood up for small business employees last week when they joined 20 States, including South Carolina, in a lawsuit to overturn this government monstrosity. There are health care alternatives that Congress should consider, like the SWAP Act, which continues to cover preexisting conditions but will repeal the tax hikes and unaffordable mandates on individuals and small business owners.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

GULF OIL SPILL

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, nearly 1 month after the Deepwater Horizon oil spill began on April 20, oil continues to flow from the well, poisoning and destroying our water environment. The rig activities were considered to be a low-risk drilling exploration. Such a classification sends chills up my spine, given the countless riskier drilling ventures occurring along the coasts of our great Nation.

While millions of Americans watch the news and see the destruction of the gulf coast, the environment, and the economy of that area, I think of the thoughtless, baseless, cavalier Republican energy chant, ''Drill Baby Drill.'' It echoes in the ears of the American public and anybody who cares about the gulf coast of the United States. ''Drill Baby Drill'' was a simplistic response.

We use 25.9 percent of the world's oil. We have 2.2 percent of the world's energy reserves. You don't have to be a math scholar or a Nobel Prize winner to know that won't work. You need to find alternative forms of energy. Use America's great research and brainpower. Harness solar. Harness the wind. Find new ways to help us with our problems with energy and not depend on fossil fuels, not ruin our environment, and not risk the flora and the fauna.

Mr. Speaker, we have to find a new direction to be like America has been in the past: innovative and creative.

CONFRONTING WASHINGTON'S OUT-OF-CONTROL SPENDING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, we learned last week that the Federal Government ran up an $82.7 billion deficit in April. That's the largest April deficit in our Nation's history. The Federal Government is spending Americans' tax dollars at a record clip, so it's no surprise we're facing this mountain of debt.

But we can fix this problem. House Republicans have engaged the American people with an innovative online tool called YouCut. It's simple. Each week, we're giving Americans an opportunity to vote on a slate of wasteful, outdated, or duplicative Federal programs to cut from the budget. The top vote-getter will be offered up by Republicans for a vote in the House.

So far, hundreds of thousands of concerned citizens from across the country have voted on the YouCut Web site and made it clear they're tired of Washington's one-track spending mentality. YouCut is a first step toward changing the culture of always spending and never saving here in Washington. By itself, it won't solve the problem. But it is engaging our constituents in an important, larger discussion about reining in our skyrocketing debt and out-of-control spending.

MEXICAN MILITARY HELICOPTER INCURSIONS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, U.S. Border Patrol agents have spotted yet another Mexican military helicopter incursion into Texas. That makes three times these helicopters have crossed the border into America this year, that we know of. On Saturday, another Mexican military helicopter was in Texas, hovering near the Roma-Miguel Aleman International Bridge. Two other times this year, Mexican helicopters were photographed in Starr and Zapata Counties in Texas.

These military incursions are becoming routine. What are they doing here? We don't know. Has our government protested this violation of international law? No one is talking. Our own government seems to be blissfully silent about these incursions. That's why I'm asking Homeland Security Secretary Napolitano for some answers.

The Federal Government is MIA on our borders. Our government ought to spend less time protesting States like Arizona, trying to protect their citizens from border violence, and start getting some answers from Mexico about their military helicopters flying into the United States.

And that's just the way it is.

PUTTING AMERICANS FIRST

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday, on the Joe Scarborough Show, Richard Haass, Chairman of the Council on Foreign Relations, said China had been investing in its economy over the last 10 years while we have been investing in Iraq and Afghanistan. Mr.

Haass proudly described himself as an elitist. Well, it is elitists like him and the organization he heads who helped lead to the rush to an unnecessary war in Iraq, and continues to push military and civilian spending in Iraq and Afghanistan that we simply cannot afford. These people apparently are not happy unless we are spending hundreds of billions in other countries.

Mr. Haass seemingly did not feel guilty at all when he said China had invested in its economy while we have blown a couple of trillion dollars in Iraq and Afghanistan. Well, it's long past time for us to bring our troops and contractors home and start investing in our own economy. And it is time for us to start putting Americans first and stop spending so much money and sending so many jobs to other countries.

NO WORD FROM THE FEDERAL GOVERNMENT ON THE GULF COAST OIL SPILL

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week, our committee on Energy and Commerce, the Subcommittee on Oversight and Investigations, held the first of what is likely to be many hearings into the events going on in the Gulf of Mexico. So far, the hearings and investigation have been decidedly ''asymmetric.'' My committee demanded and obtained thousands of pages of documents and testimony from the four companies involved in the spill, but virtually nothing—nothing—from the administration. In fact, my committee made no document requests and asked for no testimony from the administration.

The Federal role would appear to be an integral part of this story. We should have representatives from the Department of Interior and the Minerals Management Service explain why in March of 2009, in the Initial Exploration Plans for Deepwater Horizon, a blowout scenario was simply not contemplated, and why the Department of Interior did not require a site-specific oil spill response plan.

We've had no word from the Federal Government and related agencies. When will the administration begin to work with Congress, rather than against Congress and against the American people?

NETWORKS SHOW DOUBLE STANDARD ON SUPREME COURT NOMINEE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, when former President George W. Bush nominated John Roberts and Samuel Alito for the Supreme Court, the television networks repeatedly described them as ''conservative,'' and used terms such as ''bedrock conservative,'' ''staunch conservative,'' and ''ultraconservative.'' In contrast, the networks rarely label President Obama's Supreme Court nominee, Elena Kagan, as ''liberal,'' according to an analysis by the Media Research Center. In fact, the networks called Justice Alito ''conservative'' 10 times more often than they called Judge Kagan ''liberal'' after their respective nominations, according to the MRC.

Perhaps that's no surprise, considering the networks' own political philosophy. These are the same networks who called Candidate Obama moderate, even though he had the most liberal voting record in the entire U.S. Senate. The networks should give Americans the facts about Supreme Court nominees, not practice double standards.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 17, 2010 at 12:16 p.m.:

That the Senate passed with amendments H.R. 2711.

Appointments:

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1415

ENDANGERED FISH RECOVERY PROGRAMS IMPROVEMENT ACT OF 2010

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2288) to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Endangered Fish Recovery Programs Improvement Act of 2010''.

SEC. 2. REAUTHORIZATION OF FISH RECOVERY PROGRAMS.

Section 3(d)(2) of Public Law 106–392 (114 Stat. 1604 and 1605) is amended by inserting at the end the following: ''For fiscal years 2012 through 2023, there are hereby authorized to be appropriated such sums as may be necessary to provide for the annual base funding for the Recovery Implementation Programs above and beyond the continued use of power revenues to fund the operation and maintenance of capital projects and monitoring.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, H.R. 2288, introduced by our colleague Representative JOHN SALAZAR from Colorado and seven other colleagues, would amend Public Law 106–392 to authorize appropriations for fiscal years 2012 to 2023 to fund fish recovery programs in the Upper Colorado and the San Juan River Basins.

H.R. 2288 will help ensure the continued delivery of water from Federal water projects to irrigators and municipal and industrial contractors throughout the Upper Colorado River Basin through fiscal year 2023. More than 1,500 water projects will continue to have certainty to move forward, based on the support and commitments generated through these recovery programs.

These recovery programs are nationally recognized examples of diverse stakeholders coming together to collaboratively find solutions without litigation that allow everyone to use the river systems to promote economic growth while supporting compliance with the Endangered Species Act and the recovery of native fish species within the Colorado River Basin.

Mr. Speaker, I ask my colleagues to support the passage of H.R. 2288, and I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

This measure offers yet another example of how the Endangered Species Act has put a gun to the head of the West. The unreasonable effect of this law is now impoverishing millions of people across the country. In California communities, it has devastated the agricultural sector of our economy, and it threatens us all with permanent water shortages, skyrocketing food prices, and chronic unemployment.

The measure before us today seeks to spend roughly $40 million through 2023 for research, management, operation, and maintenance and other annual noncapital expenditures in order to keep ESA litigation at bay in the Upper Colorado and San Juan River Basins. It's cosponsored by Representatives of both parties, not because it will produce a single drop of additional water for this region but, rather, because it will forestall additional endless ESA lawsuits.

These programs only exist and only command bipartisan support because these steps are mandated by the ESA under threat of the region losing further access to its own water. And at some point, we're going to have to consider major changes to the ESA before it further depresses our economy, strangles our agriculture, and depletes our Treasury.

Let me offer one of the examples of changes that I think needs to be made. The administration is now pursuing the deliberate destruction of four perfectly good hydroelectric dams on the Klamath River that generate 155 megawatts of the cleanest and cheapest electricity on the planet at the cost to ratepayers and taxpayers of nearly $500 million to tear down. This is to restore fish habitat for a few hundred salmon. When I visited the region a few weeks ago, I asked, If the salmon population was in decline, why don't we just build a fish hatchery? The Macaulay fish hatchery in Juneau, for example, produces 170 million salmon every year. And the answer was, We already have a fish hatchery below the dams at Iron Gate, but the Endangered Species Act doesn't allow us to count the millions of fish that it produces. This is insane.

In this case, it's going to cost us $40 million, according to the CBO, on a program that lacks explicit goals and is running outrageous overhead—22 percent in one case. Now, let me emphasize this: This program doesn't even set specific recovery goals, so there's no rational way of judging success or failure either now or in the future. It is simply a bureaucratic perpetual spending machine.

The good news is, this program does include fish hatcheries, but without any numerical standard for success, their production becomes irrelevant to the program. We're squandering the earnings of our citizens on bureaucratic paperwork and Rube Goldberg contraptions with no rational standard for success instead of investing that money for new water supplies.

This bill continues a folly that our Nation and our economy can no longer afford. I realize that many of the supporters feel that this is the path of least resistance within the current legal framework in order to continue to use the water projects that we've already paid for. Well, that may be the case. But the path of least resistance is destroying our economy, bankrupting our country, and perhaps it's time we took the path less well traveled, the path of common sense.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I won't go into any other dialogue other than to yield, for as much time as he may consume, to the gentleman from Colorado, Congressman SALAZAR.

Mr. SALAZAR. Mr. Speaker, I want to thank the distinguished chairwoman of the subcommittee for moving this important bill forward. I would like to share with you and my esteemed colleagues the importance of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Program. This program is a premiere example of how to recover endangered fish species while also providing more than 3 million acre-feet of water per year to Federal, tribal, and non-Federal water projects. It has been cited as the most successful fish recovery program in the United States and is used as a model for other recovery programs developed across the country.

Today I am happy to see that the House is passing H.R. 2288, to ensure the program can finish the restoration projects identified for complete success. This bill extends the authorization of the program until the year 2023. At that time, the fish species in concern will be fully recovered, and the infrastructure will be in place to ensure continued success. The projects completed to date on the Upper Colorado and San Juan River Basins are examples of outstanding cooperation among a diverse group of local, State, Federal Government agencies, environmental groups, water users, farmers, ranchers, and utility consumers.

People ask why they've never heard of the recovery program, and that is because it has been so successful. The fish identified as being under threat have been substantially maintained. This bill is critical for the continued and final success of the projects necessary for recovery of the endangered fish.

I would also like to note that when this program was enacted, it was done with the understanding that power revenues would be used to pay for the costs of implementing the two fish recovery programs. Due to PAYGO rules, the legislation now lets the power customers only pay a part of the cost of these programs while national taxpayers cover the rest. The original program was agreed to based upon the understanding that power customers would pay for the fish recovery programs, and I hope that they will work with the rest of the parties to fulfill this funding obligation after 2011.

Mr. Speaker, this is a prime example of how one ounce of prevention is worth a pound of cure. It is one of the most successful recovery programs in the entire country, and I want to thank the chairwoman, and I want to thank Ranking Member MCCLINTOCK for working with us on this legislation.

Mr. MCCLINTOCK. Mr. Speaker, I thank the gentleman for his kind words, but I do wonder how he can define success in a program that has no standards for success. I also need to correct him on one other point, and that is the claim that this will provide or produce 3 million acre-feet of water. It does no such thing. All it does is allow us to continue to use the 3 million acre-feet of water that we already produce and that we have already paid for without impediments posed by additional ESA litigation.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. I yield, for as much time as he may consume, to the gentleman from Colorado, Congressman SALAZAR.

Mr. SALAZAR. I thank the chairwoman.

I want to remind the ranking member that the individual who actually ran against me who was the Department of Natural Resources director, Greg Walcher, for Colorado was one of the ones who helped to implement this program in Colorado, a very strong supporter. This was done in a bipartisan way, and most recovery programs are actually starting to be modeled after the Upper Colorado Fish Recovery Program. This is a way to keep fish from going on the endangered species list, and so I am very proud of this program.

We do have goals. By the year 2023, everything should be in place. The infrastructure should be in place so that we can maintain the numbers of the endangered fish in the Upper Colorado River and the San Juan.

Mr. MCCLINTOCK. Mr. Speaker, I readily concede that if you put a gun to somebody's head, you can get reasonable people to do unreasonable things. The ESA is a gun to the head of the people of the West. It's time we did something about that.

No one suggests that there's not an important mission for the ESA, but it has gotten completely out of control. It has breached all bounds of reason and logic, and it is time that we visited that issue rather than continue to squander tens of millions of dollars on programs like this, whose sole purpose is simply to keep that ESA litigation at bay.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. I will yield 30 seconds to the gentleman from Colorado.

Mr. SALAZAR. I just wanted to thank the gentleman for joining us yesterday in Colorado for a specific water hearing that the gentlelady held in Greeley, Colorado, a prime example of how we can all work together to make sure that agriculture can maintain its water rights. So that is why I am so supportive of this program.

Mr. McCLINTOCK. Does the gentlelady have any additional speakers?

Mrs. NAPOLITANO. I have no further requests for time, and I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, Congressman SALAZAR was right. We met yesterday in Greeley, Colorado, with a lot of stakeholders of the Colorado River Basin who indicated to us that their economy is at stake. They professed to us that the Endangered Species Act actually helped maintain the quality of the water in the rivers. So, to me, that's a further indication of how important this particular bill is, to continue the collaboration of all the entities who would come to the table, put their differences aside and quit getting into litigation that is more costly to the taxpayer.

With that, I request that we support H.R. 2288.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2288, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4491) to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Buffalo Soldiers in the National Parks Study Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks.

(2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

(3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era.

(4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

(b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.

(b) CONTENTS OF STUDY.—The study shall include—

(1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service;

(2) an evaluation of the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served;

(3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks;

(4) an evaluation of appropriate ways to enhance historical research, education, interpretation, and public awareness of the story of the Buffalo Soldiers' stewardship role in the National Parks, including ways to link the story to the development of National Parks and the story of African-American military service following the Civil War; and

(5) any other matters that the Secretary of the Interior deems appropriate for this study.

(c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

□ 1430

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. McCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 4491, introduced by Representative JACKIE SPEIER of California, would authorize the National Park Service to conduct a special resource study to determine appropriate and feasible ways to commemorate the African American cavalrymen known as the Buffalo Soldiers and the important role that they played in the early years of the national parks. These soldiers played a critical role in protecting Yosemite and Sequoia National Parks and served as the Nation's first park rangers.

Under the proposed legislation, the National Park Service would evaluate alternatives to commemorate and interpret the roles of the Buffalo Soldiers. They would also evaluate the suitability and feasibility of establishing a national historic trail along the route used by the Buffalo Soldiers from their post in the Presidio of San Francisco to the Sierra Nevada Mountains.

Representative SPEIER is to be commended for her work to highlight this important chapter in African American history and in the history of our national parks.

Mr. Speaker, H.R. 4491 received broad bipartisan support in committee, and I urge its adoption by the House today.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my opinion, the most important role of the national parks is to provide a link to our Nation's proud history. I believe in American exceptionalism. The story of our Nation is the story of the uniquely American principles enshrined in the Declaration of Independence and how they shaped and molded what has become the most successful Republic in the history of human civilization.

One aspect of that story is exemplified by the Buffalo Soldiers, Americans of African descent who transcended the prejudices of the post-Civil War era to serve as the first peacetime Army units comprised of African Americans. They took the heroism and patriotism of the famous 54th Massachusetts and other Civil War units and made them into a proud and permanent fixture within the American Armed Forces. Their members included Medal of Honor winner Louis H. Carpenter and Henry O. Flipper, the first American of African descent to graduate from West Point.

The Buffalo Soldiers made immeasurable contributions to the continental expansion of our Nation, to the protection of our first national parks, but perhaps most important is their immortal contribution to the unification of our Nation as a free people.

As Shakespeare said, Their story should the good man teach his son. This bill would develop a plan to do precisely that within the national park system. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 4491, the Buffalo Soldiers in the National Parks Study Act.

I commend this legislation which directs the Secretary of the Interior to study the role the Buffalo Soldiers played in the development of the National Park System. It is time more information comes to light regarding the contributions Buffalo Soldiers made to protect our National Parks until 1914. Few know the story of how Buffalo Soldiers once patrolled Yosemite, Sequoia and Kings Canyon parks.

As their service has been nearly forgotten, I praise this legislation which will ensure their efforts to our Country are remembered. Buffalo Soldiers remain an integral element in founding our National Parks. These American soldiers carried out mounted patrol duties in the Western frontier and were among the first park rangers and backcountry rangers patrolling parts of the West.

Mr. Speaker, the Buffalo soldiers blazed the trails and paved the way for what we now call our National Park System. I urge my colleagues to join me in supporting H. R. 4491, the Buffalo Soldiers in the National Parks Study Act.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4491.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 75TH ANNIVERSARY OF EAST BAY REGIONAL PARK DISTRICT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 211

Whereas, November 6, 2009, will mark the 75th anniversary of the historic passage of a ballot measure to create the East Bay Regional Park District (referred to in this preamble as the ''District'') in California's San Francisco Bay Area by a convincing ''yes'' vote of a 2½ to 1 margin in 1934 during the height of the Depression;

Whereas with the help of the Civilian Conservation Corps, the Works Progress Administration, and private contractors, the District began putting people to work to establish the District's first 3 regional parks—Tilden, Temescal, and Sibley;

Whereas over the intervening 75 years, the District has grown to be the largest regional park agency in the United States with nearly 100,000 acres of parklands spread across 65 regional parks and over 1,100 miles of trails in Alameda and Contra Costa Counties;

Whereas approximately 14,000,000 visitors a year from throughout the San Francisco Bay Area and beyond take advantage of the vast and diverse District parklands and trails;

Whereas the vision of the District is to preserve the priceless heritage of the region's natural and cultural resources, open space, parks, and trails for the future, and to set aside park areas for enjoyment and healthful recreation for current and future generations;

Whereas the mission of the District is to acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands that balances public usage and education programs with the protection and preservation of the East Bay's most spectacular natural and cultural resources;

Whereas an environmental ethic guides the District in all that it does;

Whereas in 1988, East Bay voters approved the passage of Measure AA, a $225,000,000 bond to provide 20 years of funding for regional and local park acquisition and development projects;

Whereas in 2008, under the strategic leadership of its Board of Directors and General Manager Pat O'Brien, East Bay voters approved passage of the historic Measure WW, a $500,000,000 renewal of the original Measure AA bond—the largest regional or local park bond ever passed in the United States; and

Whereas throughout 2009, the District's 75th Anniversary will be recognized through special events and programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 75th anniversary of the establishment of the East Bay Regional Park District; and

(2) honors the board members, general managers, and East Bay Regional Park District staff who have dutifully fulfilled the mission of protecting open space and providing outdoor recreation opportunities for generations of families in the East Bay.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a lifelong citizen of Contra Costa County in the East Bay of the San Francisco Bay area, I have witnessed firsthand the East Bay Regional Park District's steady drive to protect open spaces, benefiting millions of East Bay residents over several generations. The East Bay Regional Park District is today the largest regional park agency in the country.

Over the last 75 years, they have preserved nearly 100,000 acres of parkland, established 65 regional parks, and built over 1,100 miles of trails. Almost every weekend, I visit the East Bay Regional Parks on one of their trails, one of the regional park systems, to walk with my family and enjoy the outdoors in the parks. Generally it is the Briones Regional Park that is near my home.

I commend the East Bay Regional Park District and all of the various board members throughout the last 75 years on not only reaching this milestone, but the vision that they conceptualized many, many years ago to provide this incredible asset to the residents of the San Francisco Bay area, specifically to the East Bay of San Francisco Bay.

I rise in strong support of this resolution commending the 75th anniversary of the East Bay Regional Park District. I want to thank Chairman RAHALL, Chairman GRIJALVA, Chairwoman BORDALLO, and Ranking Member BISHOP for their work to bring this resolution to the floor.

As a resident of this area, and very often talking to my neighbors and to people I represent in this area, the pride that our area has in the East Bay Regional Parks, the support that the citizens of this region have given the park district over the last 75 years is testament to a well-run system of parks throughout our area, of recreational facilities, of trails, of support for families with children, for people who ride horses, people who ride bikes, people who run, people who walk, and accommodating the open spaces and historical and cultural uses of the areas within the boundaries of the East Bay Regional Parks in Alameda and Contra Costa counties.

I don't represent this area alone. I share the representation of the park district with Congresswoman BARBARA LEE, Congressman PETE STARK, Congressman JOHN GARAMENDI and Congressman JERRY MCNERNEY, and I know all of them share the pride that I do in the East Bay Regional Park System.

As I stated earlier, the vision that they have presented to the public and the support that it has received, and the cooperation they have received from farmers, from ranchers, from cities, from the counties, has just been an incredible model for other areas that have to deal with the issues of preserving open space and the competing uses of that space by various governmental jurisdictions and private landowners.

I also want to pay tribute to the grand old man in implementing this plan and working with all of the various landowners and the local jurisdictions and procuring these lands at a fair price to the taxpayers of our region, and that is Hewlett Hornbeck, who for so many years brought about the implementation of that vision of the board of directors of the regional parks.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the East Bay Regional Park District serves the people of San

Francisco, and the test of their satisfaction is the fact that they have continued to support it with voter-approved bonds, each vote being a vote of confidence in its work and each vote backing that confidence with local funds.

It used to be that local projects that benefited local communities were paid for by those local communities, and the East Bay Regional Park is an example of this bygone era. Today the Federal Treasury is too often treated as a grab bag for local projects, literally robbing St. Petersburg to pay St. Paul. The success of the East Bay Regional Park District is a reminder that the most successful local projects are those that are paid for with local funds and superintended by local voters. It is a reminder that Federalism works and that we need to return to it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentleman from California (Mr. MCCLINTOCK) for his comments, and what he said is one of the reasons why this park district has such a high level of support among its citizens. They voted many times to tax themselves, knowing this money was going to be wisely used and they were going to get a good and a fair bargain for all parties involved.

At this time, I yield such time as he may consume to Congressman PETE STARK, another longtime supporter and beneficiary of the East Bay Regional Park system.

Mr. STARK. Mr. Speaker, I thank the distinguished chairman for recognizing me.

The 75th anniversary of the East Bay Regional Park District really goes back to the early grassroots days of actually the Depression, when people in our district banded together in that time to organize and tax themselves to create this district. These parks are owned by everyone. In the Great Depression, they created the district and the Civilian Conservation Corps, and the WPA were the initial workers in these parks.

It would be remiss for me not to recognize general manager Pat O'Brien, who has worked so hard to keep these parks open. In my district, you can move from the hills of Freemont to the crown park in Alameda, to the hills behind Oakland and never be beyond walking distance of these marvelous parks. So it is a compliment to the chairman, and I would like to join with him in recognizing the importance of our regional park district, and thanking the local people in hopes that others may follow suit.

Mr. GEORGE MILLER of California. I thank the gentleman, and I yield myself 2 minutes.

Congressman STARK mentioned Pat O'Brien, and I want to thank him because he has been such a wonderful manager of this system, along with his entire staff, and certainly all of the volunteers who come to the park, which number in the thousands, all of the time to take care of these parks and make them accessible to the public, to host special events. I thank the magnificent staff, the rangers of the park system, who live in our communities and know the people who use the parks and accommodate them.

It was said at one time, I don't know if it is accurate or not, but it was suggested you could get on horseback and ride for 7 days and never leave the park and never use the same trails. The park hosts numerous stables that the private sector has outside of the park. Again, thousands of people a year use the parks on horseback. It is a great opportunity for children to be around horses and see people riding them and learn about them from their owners.

This is a remarkable community asset in the midst of one of the most urban areas in the United States in terms of density, and clearly highly appreciated by the people. I would hope that all of my colleagues in Congress would join us in voting for and supporting the 75th anniversary recognition of this world class park system of the East Bay Regional Parks.

Mr. MCCLINTOCK. Mr. Speaker, I yield back the balance of my time.

Ms. LEE of California. Mr. Speaker, I rise in support of H. Con. Res. 211 to recognize the 75th anniversary of the establishment of the East Bay Regional Park District in California.

I would also like to thank Representative GEORGE MILLER for his leadership in introducing this resolution and for his tireless work as a representative of California's 7th Congressional District which neighbors my home, the 9th Congressional District.

The success of the East Bay Regional Parks District is rooted in the history of our own country, and in the belief that during times of economic and social adversity, investments in people and environmental preservation can be instrumental in promoting economic recovery while benefiting current and future generations.

This resolution celebrates the 75th anniversary of the ballot measure to create the East Bay Regional Parks District, a measure that passed overwhelmingly during a time of great economic upheaval in 1934.

With the help of federal public works agencies, and sustained public and private engagement, the Parks District established its first regional parks including Tilden, Sibley, and Temescal Parks, all in my home District.

Today the East Bay Regional Park District is the largest local park agency in the United States and serves a population of 2.5 million residents along with countless visitors seeking the unique sights, sounds, and outdoor activities of the District's parks just a short walk or drive from the some of the San Francisco Bay Area's largest urban centers.

I am so proud of the legacy of the East Bay Regional Parks District throughout the California Bay Area and its inspiring illustration of the need to preserve our recreational and wilderness resources across the nation.

I would also like to take a moment to recognize the supporters of the East Bay Regional Park District, as well as its board members, general managers, and staff.

Through the hard work of these individuals, and backed by the unwavering support of local residents, the East Bay Regional Park District remains committed to conserving and expanding park resources for the recreational, educational, and scenic enjoyment of these open spaces for generations to come.

With that in mind, I strongly urge my colleagues to support this resolution, and in doing so, join in honoring the East Bay Regional Parks District during this historic commemoration of its past, present, and future in serving millions of residents and visitors in the California Bay Area.

Mr. GARAMENDI. Mr. Speaker, I rise today in enthusiastic support of House Concurrent Resolution 211, which honors the board members, general managers, and staff of the East Bay Regional Park District. For 75 years, these public servants and their predecessors have admirably preserved the great outdoors for the Bay Area's communities and millions of visitors.

The East Bay Regional Park District has grown to the largest regional park agency in the United States, covering nearly 100,000 acres. District employees have admirably protected the land and native wildlife while providing invaluable recreational opportunities. This harmonious interaction is demonstrated all over the park system. The stewardship of fisheries allows anglers to catch striped bass, rainbow trout, and sturgeon. The management of livestock grazing reduces the threat of fires and preserves diversity of vegetation. The conservation of water resources permits swimmers to enjoy our lakes and lagoons. The East Bay Regional Park District also provides opportunities for archeologists, hikers, scientists, and other recreationalists and students.

Bay Area residents recognize that the Park System has contributed greatly to their living environment and helped make the region one of the best places in the country to live. In 1934, 1988, and most recently in 2008, Bay Area voters extended its funding, maintaining this natural treasure for the enjoyment of present and future generations.

Lastly, Mr. Speaker, I would like to thank Congressman GEORGE MILLER for introducing this Resolution and Chairman NICK RAHALL for his outstanding leadership of the Natural Resources Committee. From the East Bay to the East Steps of the Capitol, they have been good stewards to this country's natural wonders.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING FLOYD DOMINY

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1327) honoring the life, achievements, and contributions of Floyd Dominy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1327

Whereas Floyd Dominy, a legendary Bureau of Reclamation Commissioner dedicated to building dams that would supply society with necessary water and emissions-free power for living and recreation, passed away on April 20, 2010, at the age of 100;

Whereas Floyd Dominy was born on a farm in Hastings, Nebraska, on December 24, 1909, and graduated from the University of Wyoming in 1933;

Whereas Floyd Dominy acquired critical war materials, helped resolve food shortages, and served in the U.S. Naval Reserve during World War II;

Whereas Floyd Dominy joined the Bureau of Reclamation in 1946 as a specialist responsible for procedures by which newly irrigated land on public land could be settled by returning war veterans;

Whereas Floyd Dominy later served as the Associate Commissioner of the Bureau of Reclamation before being sworn in as Commissioner upon appointment by President Dwight D. Eisenhower;

Whereas Floyd Dominy served in the same capacity under Presidents John F. Kennedy, Lyndon Johnson, and Richard Nixon;

Whereas upon his retirement in 1969, Floyd Dominy was and continues to be the longest serving Bureau of Reclamation Commissioner;

Whereas Floyd Dominy, during his tenure as the Commissioner of the Bureau of Reclamation, played a major role in the authorization and the construction of numerous Federal multi-purpose dams and water projects in the western United States, including Glen Canyon, Flaming Gorge, and Navajo Dams, the Central Arizona Project, San Luis Unit, and the Trinity Division of the Central Valley Project;

Whereas many of these projects that Floyd Dominy played such a role in creating and constructing continue to be vital to the Nation's food supply and renewable electricity generation and attract millions of recreationalists each year; and

Whereas Floyd Dominy was named one of the top ten "Public Works Men of the Year" in 1966 and was awarded for "Outstanding Engineering Achievement in Heavy Construction" in 1974: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Floyd Dominy, former Bureau of Reclamation Commissioner, for his many contributions to the Nation's water and food supply, recreation, and the environment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, House Resolution 1327 was introduced by our colleague, Representative ADRIAN SMITH, and myself to honor the passing of Mr. Floyd Dominy, the man who was responsible for planning, coordinating, and building many of the Federal water projects that exist in the entire Western United States today.

□ 1445

House Resolution 1327 recognizes the longest-serving commissioner in the history of the Bureau of Reclamation, serving Presidents Eisenhower, Kennedy, Johnson and Nixon. Mr. Dominy, who, until his death, liked to be referred to as Mr. Commissioner, rose from the plains of Nebraska to become one of the most influential water developers in the world.

The legacy of Mr. Floyd Dominy impacts nearly every person in the 17 Western States. Water for cities and agriculture and reservoirs for recreation, along with hydropower from Bureau of Reclamation dams, provided the West with the ability to grow.

The history of the West was built on the shoulders of men and women who saw challenges as opportunities. Floyd Dominy built the Bureau of Reclamation and its engineers into a world-class organization that helped the West and the world develop and manage limited water resources.

Mr. Speaker, I ask my colleagues to support the passage of House Resolution 1327.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution honors the life, achievements and contributions of Mr. Floyd Dominy, the longest-serving commissioner in the history of the Bureau of Reclamation.

Our colleague, Congressman ADRIAN SMITH, has introduced this bipartisan resolution because Mr. Dominy was a Nebraskan, having been born on a farm in the western part of that State. But while Mr. Dominy hailed from Nebraska, his achievements are known worldwide.

It was that hard scrabble life of eking out a living on a dry Nebraska farm that propelled Floyd Dominy into building the dams and water projects that have made possible the success of American agriculture in the western United States.

During his tenure at the Bureau of Reclamation, he played a major role in the authorization and construction of numerous Federal multi-purpose dams and water projects in the United States, including the Glen Canyon Dam in Arizona, Flaming Gorge Dam in Utah, the San Luis Unit in Central California, the Central Arizona Project and the Trinity Division of the Central Valley Project in northern California.

To this day, these projects have created some of the most productive farmland in the world, they have provided water to a growing population in the arid West, and they've generated clean, renewable and emissions-free hydropower.

His contributions to the Nation's water, power and food supply, its recreation and its environment stand as monumental examples of how visionaries like Mr. Dominy have made this country the beacon of freedom and opportunity and prosperity. This resolution honors that legacy.

But more than a legacy, it is a lesson for our Nation. Floyd Dominy stood as a giant in an era when the central objective of our Federal water and power policy was to provide an abundance of both. The great dams and hydroelectric projects of that era, of which Floyd Dominy was a driving force, produced the water and electricity that made possible the prosperity of our Nation.

Imagine an era when water and power was so cheap that many communities didn't even bother to measure the stuff. But in the 1970s, a radical and retrograde ideology seeped into our water and power policy. This ideology rejected abundance as our principal objective and replaced it with the rationing of shortages that have been caused by our abandoning abundance as our principal objective.

The great builders like Floyd Dominy were cast aside and forgotten, even while we continued to rely on the great public works that they had produced. We've now lived a generation under this ideology and the results, chronic shortages of water and power, skyrocketing prices for electricity, withering agriculture and declining prosperity.

Floyd Dominy is an American hero. He deserves so much more than a resolution. But, in a sense, he has it. The great water and hydroelectric projects that he produced stand as a monument to his vision and foresight and dedication. And they stand as a road map for this Nation when we finally get serious about dealing with the chronic shortages that the current generation of policymakers has produced.

I'd urge my colleagues to support this bipartisan measure.

I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, indeed, Mr. Dominy was a U.S. hero, if nothing else. He left a great legacy for the world, not just the United States; and we're exceedingly proud. He passed away 4 months ago at the age of 100 years old plus 4 months. My condolences to his family.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1327.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. NAPOLITANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

JUVENILE ACCOUNTABILITY BLOCK GRANTS PROGRAM REAUTHORIZATION ACT OF 2009

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1514) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Accountability Block Grants Program Reauthorization Act of 2009''.

SEC. 2. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS PROGRAM THROUGH FISCAL YEAR 2014.

Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended—

(1) in section 1801A(a), by striking ''section 1810(b)'' and inserting ''section 1810(c)'';

(2) in section 1810(a), by striking ''2009'' and inserting ''2014''; and

(3) in section 1810(b), by inserting ''and each of the fiscal years 2009 through 2014'' after ''2004''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes the Juvenile Accountability Block Grant program for an additional 3 years.

I worked with my Republican colleagues in 1997 to develop and pass the legislation that created this important initiative. This program directs the Department of Justice to make grants to States and units of local government to strengthen their juvenile justice systems.

The program allows funds to be used for a broad range of purposes that help reduce juvenile crime, such as establishing programs to assess the needs of juvenile offenders in order to facilitate provision of comprehensive services; establishing programs to reduce recidivism amongst juveniles; hiring juvenile court judges, court-appointed defenders and advocates; and developing systems of graduated sanctions for juvenile offenders.

The Juvenile Accountability Block Grant has been an important part of the Federal Government's funding of juvenile justice programs. When we worked together on a bipartisan basis to develop this program, Members recognized that success in preventing juvenile crime and reducing recidivism by juvenile offenders requires something other than tough-sounding slogans and sound bites.

When it comes to dealing with issues of juvenile justice, we're fortunate that there is more and more information available showing that we need to make sure that we approach this problem based on evidence, and we know that that evidence shows what works and what doesn't work.

Those studies show that comprehensive prevention and early intervention programs directed towards youth at risk of involvement, or those already involved in the juvenile justice system, will significantly reduce crime.

For example, we've seen in this program that this program has funded a chemical dependency program in Idaho serving at-risk youth with mental health issues and substance abuse and related offenses.

And in Ohio, the program funded a system of graduated sanctions that provided alternatives to secure detention for pre-adjudicated youth.

These are just two examples of how the program successfully provides juvenile justice professionals with alternatives they need so that there is not a one-size-fits-all system of sanctions, regardless of the needs and situation of each juvenile.

We extend and strengthen grants to ensure more accountability for juvenile crime, and so we need to make sure that these principles are kept in mind, and we do more to help communities prevent juvenile crime from occurring in the first place.

I am pleased that this program continues to have bipartisan support. This bill is cosponsored by the chairman of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS); the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH); and the Crime Subcommittee ranking member, the gentleman from Texas (Mr. GOHMERT).

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1514, the Juvenile Accountability Block Grants Program Reauthorization Act of 2009. I am encouraged the Judiciary Committee has devoted its time and resources to such an important piece of legislation.

This bipartisan legislation is sponsored by Crime Subcommittee chairman Mr. BOBBY SCOTT. Other notable cosponsors include Judiciary Committee chairman and ranking member JOHN CONYERS and LAMAR SMITH, and Crime Subcommittee ranking member LOUIE GOHMERT.

Crimes committed by children strike at the very core of our communities. Our children are the promise of a better and brighter tomorrow and hope for future generations. Reducing juvenile crimes and improving the juvenile justice system is a vital step in preserving and protecting the future of our children.

H.R. 1514 amends the Omnibus Crime Control and Safe Streets Act of 1968 to extend through fiscal year 2014 the authorization of appropriations for the Juvenile Accountability Block Grant program.

The goal of the Juvenile Accountability Block Grant program is to equip communities with the financial resources to reduce juvenile delinquency and increase the accountability of juvenile offenders in the justice system. The Juvenile Accountability Block Grant program awards Federal block grants to the 50 States, the District of Columbia and the five U.S. Territories, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.

Grants from this program have helped provide communities with restorative justice programs, police and probation partnerships, drug and teen courts, and other programs which facilitate the successful re-entry of juvenile offenders from custody back into the community.

In 2009, the Juvenile Accountability Block Grant program provided local communities in my home State of Florida with over $2 million to assist them in their efforts to make our families and neighborhoods safer. These Federal grants were used to combat gang violence, curb juvenile drug use, and provide mediation services to juvenile offenders and their victims.

Meeting the challenge of reducing juvenile crime extends beyond the traditional punitive criminal justice system. It requires a comprehensive approach to ensuring that juveniles not only receive punishment proportional to their crime, but also receive the support that they need to get back on the right track.

The Juvenile Accountability Block Grant program is an essential tool for the States and communities across the Nation. I support the reauthorization of this program and urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for his support. I urge colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 1514.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

NATIONAL MISSING CHILDREN'S DAY

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1325) recognizing National Missing Children's Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1325

Whereas, May 25, 2010, will be the 28th National Missing Children's Day;

Whereas National Missing Children's Day honors the obligation of the United States to locate and recover missing children by prompting parents, guardians, and other trusted adult role models to make child safety an utmost priority;

Whereas in the United States nearly 800,000 children are reported missing a year, more than 58,000 children are abducted by nonfamily members, and more than 2,000 children are reported missing every day;

Whereas efforts of Congress to provide resources, training, and technical assistance have increased the capabilities of State and local law enforcement to find children and to return them home safely;

Whereas the 1979 disappearance of 6-year-old Etan Patz served as the impetus for the creation of National Missing Children's Day, first proclaimed in 1983; and

Whereas Etan's photograph was distributed throughout the United States and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Missing Children's Day and encourages all people in the United States to join together to plan events in communities across the United States to raise public awareness of law enforcement and the issue of missing children and the need to address the national problem of missing children;

(2) recognizes that one of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph of the child and urges all parents and guardians to follow the important precaution of maintaining such a photograph;

(3) recognizes the vital role of law enforcement and the criminal justice system in preventing kidnappings and abduction of children while also leading efforts to locate missing children; and

(4) acknowledges that National Missing Children's Day should remind people in the United States not to forget the children who are still missing and not to waver in the efforts of law enforcement to reunite such children with their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes Tuesday, May 25, as National Missing Children's Day. We hope this resolution will continue to raise public awareness about the problem of missing and abducted children. I therefore thank the gentleman from Florida (Mr. ROONEY) and his colleague from Florida (Mr. HASTINGS) for introducing this resolution.

May 25, 1979, was the day that 6-year-old Etan Patz disappeared from New York City while he was on his way to school. The media attention and massive search efforts that followed his disappearance focused the Nation's attention on the problem of child abduction.

Two years later, in July 1981, 6-year-old Adam Walsh disappeared from a Florida shopping mall. His parents, John and Reve Walsh, turned to law enforcement to find their son. They quickly realized that there was no coordinated effort between Federal, State, and local law enforcement agencies in the search for their son. And to make the situation even more difficult, in 1981, there were no organizations to assist them in their search.

The momentum for a national movement to keep children safe from predators and coordinate efforts by law enforcement to search for missing children began with the disappearance of these two children. As a result of this movement, the National Center for Missing & Exploited Children was established in 1984. Over the past 25 years, the National Center has assisted law enforcement with more than 165,000 missing child cases, resulting in the recovery of more than 151,000 children.

Although the National Center has done a remarkable job in helping to find missing children and raising public awareness about the problem of child abduction and exploitation, the Department of Justice reports that far too many children still go missing every year. We hope that on May 25, the National Missing Children's Day, we hope that on that date everyone's thoughts will be with the families who have missing children and that we will rededicate our efforts to protecting our children from predators.

I urge my colleagues to support this important resolution and reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support House Resolution 1325, which I sponsored to recognize National Missing Children's Day. This simple but important resolution recognizes May 25, 2010, as the 28th National Missing Children's Day. The Federal Government first recognized this day in 1983, when President Ronald Reagan proclaimed May 25 as National Missing Children's Day.

The National Center for Missing & Exploited Children tells us that the proclamation followed a series of high-profile missing children cases that drew newspaper headlines across the country. The first involved the disappearance of Etan Patz from a New York City street on his way to school on May 25, 1979. Etan's father, a professional photographer, disseminated black-and-white photographs of Etan in an effort to find him. The massive search and media attention that followed focused the Nation's attention on the problem of child abduction and the lack of coordinated plans to address it.

The second incident was the missing and murdered child tragedy in Atlanta, Georgia. During this episode, the bodies of 29 young boys and girls were discovered over a 3-year period in the late 1970s and early 1980s. A suspect was identified and convicted in 1981, and now he is serving a life sentence in prison.

Also in 1981, in my home State of Florida, 6-year-old Adam Walsh disappeared from a local shopping mall. His parents, John and Reve Walsh, turned to law enforcement agencies to help find their son. To their disappointment, there was little coordinated effort among law enforcement officials to search for Adam on a State or national level.

These tragedies led to the recognition of the dearth of coordination among Federal, State, and local law enforcement agencies, and the lack of a national response system to help our families search for missing children. Since that time, our country has made great strides in this area.

National Missing Children's Day serves as an annual reminder to the Nation to renew efforts to reunite missing children and their families and make child protection a national priority. As the resolution notes, National Missing Children's Day is a reminder to all parents and guardians to take and keep high-quality photographs of their children for use in case of emergency. We should also use this day to remind all Americans of the importance of paying close attention to the posters and photographs of missing children.

The resolution also recognizes the vital role of law enforcement officials in preventing kidnappings and abductions of children, while also leading efforts to locate the missing. This resolution should remind people across the country not to forget the children that are still missing and not to waver in the efforts to reunite these children with their families.

I support this resolution and urge my colleagues to adopt it.

Mr. Speaker, I would like to yield as much time as he may consume to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. Mr. Speaker, as a former prosecutor and a judge in Texas, and now the founder and co-chair, along with my friend JIM COSTA from California, of the Congressional Victims' Rights Caucus, I rise in strong support of this resolution which seeks to honor May 25 as National Missing Children's Day.

This day is the anniversary of the disappearance of 6-year-old Etan Patz. The momentum that began with the disappearance of Etan and many children that followed him ultimately led to the national movement that we now have today.

As my friend from Florida mentioned, the other notorious case was the disappearance of Adam Walsh when he was 6, when he was with his mother at a shopping mall and then kidnapped, and later he was found in the Gulf of Mexico. His father, John Walsh, because of the incident that happened against his son, started the program ''America's Most Wanted'' on television that sought to capture criminals throughout the United States, a program that has been very successful.

In 1983, President Reagan proclaimed May 25 as National Missing Children's Day. This day serves as a reminder to parents to have high-quality photographs of their kids handy, and a reminder to us in Congress that the safety of those children should be a national priority of all Members of Congress.

Every year thousands of children are reported missing. While progress has been made in linking Federal and State law enforcement efforts, these numbers remind us that we must always be vigilant in our efforts to reunite missing children with their families and, of course, to step up our prosecution of those that harm them and to make child protection a national priority.

I am thankful for the work of the National Center for Missing & Exploited Children. The Center provides a national hub and clearinghouse of information about missing children, and their efforts have been great, leading to the capture and prosecution of hundreds of predators and also the recovery of numerous children.

Mr. Speaker, this resolution in honor of National Missing Children's Day is also a timely one. In 2005, we had a string of notorious kidnappings of children throughout the country that were sexually assaulted and then murdered. One of those young victims was Jessica Lunsford, another child from Florida, who at the age of 9 was asleep in her own bed in her own room, and she was kidnapped in the middle of the night by an individual by the name of John Couey, a sexual predator from the State of Georgia. He committed several crimes against her and eventually buried that young lady alive.

Because of her and other children that year, the Adam Walsh Child Safety Act was passed by this Congress and signed into law, an effort to help track sexual predators when they cross State lines. Just yesterday, the Supreme Court of the United States upheld a provision of the Adam Walsh Child Safety Act when the Supreme Court ruled that sex offenders can be held behind bars indefinitely if officials determine them to be sexually dangerous to the community.

Mr. Speaker, sexual predators are among the most dangerous people on Earth to our children. And by upholding this ruling, the Supreme Court has reinforced the role of the Federal Government in protecting children from those who wish to constantly do them harm.

I want to thank my friend from Florida (Mr. ROONEY) for bringing this legislation to the floor, and I urge my colleagues to give it their full-hearted support.

Mr. SCOTT of Virginia. Mr. Speaker, I continue to reserve.

Mr. ROONEY. Mr. Speaker, I would like to yield as much time as he may consume to the gentleman from my State of Florida (Mr. MICA).

Mr. MICA. Might I first inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Florida has 13½ minutes.

Mr. MICA. Mr. Speaker, first of all, I want to thank Mr. ROONEY for introducing this resolution. I urge my colleagues to support the resolution. I thank you for remembering today the missing children's law that was passed some 28 years ago.

It's hard to believe time passes by, and sometimes some of the details of how laws or important changes in our legal system and our approach to issues like missing children, how things happen. I thought it would be good to come out to the floor this afternoon, and I again thank you for paying attention to the missing children law. Again, hard to believe that it's almost three decades since it's passed. I heard some of the speakers speak about the law, and I think it's important as we remember today, as we recognize the missing children's law and this anniversary, how it all came about.

If you are here long enough in Congress, you find that certain people get dedicated to a proposition or to an effort or a cause and they spearhead that cause. In 1981, I had the great honor to be selected as chief of staff for United States Senator Paula Hawkins. She was probably the first woman elected to the United States Senate in her own right. She had no husband or family ties. She was just popularly elected to the U.S. Senate. She had a different set of agendas, and it was wonderful to work with her and learn from her. I knew her as a very determined woman who shook up the Public Service Commission. Everything she got ahold of she went after sort of like one of those pit bull dogs.

As chief of staff, I remember calls from a gentleman by the name of John Walsh, who had lost his son, and he and his wife Reve were very distraught trying to find that child. Senator Hawkins became aware of their plight, and she took ahold of that issue and their search for their lost missing son, Adam, and she never stopped. I heard other references to children that were lost or murdered before that, but I can tell you, there would not be today or not have been in 1982 a law passed relating to missing children if it weren't for Senator Hawkins.

I distinctly remember one policy meeting we had with the newly elected Senator, and she had some interesting advisers. One is well known, a national adviser, Charlie Black, a good friend of mine. Another one is a friend and political consultant many of you have heard of, Dick Morris. We were in a meeting room in her Senate office in the district in Winter Park, Florida, after Adam was missing, and John and Mrs. Walsh had asked the Senator to help find their son.

And they sat in this policy meeting, and at the time they talked about national issues, Social Security, national defense, and what the Senator's priorities should be. And I will never forget at that meeting, Senator Hawkins interjected after each national issue at that time was brought up, ''And we have to do something about missing children.'' Time and time again she brought it up, and she never stopped after that until she passed the law. She guided it through the Senate, through this body, and made it become law because of her determination to make certain, and I remember her saying this, and I want this in the RECORD, ''If we can find a missing refrigerator or we can find a missing automobile, why shouldn't we be able to have a law that helped us find missing children?''

And so it was her determination that made this law possible some 28 years ago. It was her determination that helped to create the Center for Missing & Exploited Children.

□ 1515

She doesn't hear this praise because she passed away last December. And during her many testimonials and obituaries, it was written she was the author of the Missing Children's Law in 1982 that President Reagan signed into law. And that, my friends, my colleagues, is the rest of the story.

This law from three decades, nearly three decades later, is a result of a very determined woman who thought children should be a national priority and we should have a law that assisted when a child is lost and a national center to carry on that work. They've done a great job.

John Walsh and his wife have turned unbelievable human tragedy into something positive in their effort. The loss of Adam, a great, great loss. You can't imagine parents losing their child. And I was with the Walshes in New York

City when they were notified of their child's remains being found. It's something you cannot even possibly imagine as a parent.

But, again, out of that tragedy came a law that's helped us find, reclaim, and account for thousands, literally thousands of missing children.

So, as you pass this resolution today, I commend you. I urge my colleagues to adopt it and just wanted to provide a little background for the history and CONGRESSIONAL RECORD of how this law came about.

Mr. SCOTT of Virginia. I reserve my time.

Mr. ROONEY. Mr. Speaker, I have no further speakers, and I am prepared to close.

I support this important resolution to recognize National Missing Children's Day. I want to thank Mr. SCOTT, our chairman Mr. CONYERS who's here today, Mr. MICA, Mr. POE. And I urge the rest of my colleagues to support this resolution.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank all of our colleagues who've made comments today, particularly the gentleman from Florida for his leadership on this legislation and the leadership of the Judiciary Committee. I thank them for their concern and leadership on the issue of missing children.

I urge my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1325, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE OF LENA HORNE

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1362) celebrating the life and achievements of Lena Mary Calhoun Horne and honoring her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1362

Whereas Lena Mary Calhoun Horne was a trail-blazing performing artist whose life exemplified her commitment to social justice, peace, and civil rights;

Whereas Ms. Horne was born in Brooklyn, New York on June 30, 1917, and joined the chorus of the famed Cotton Club in Harlem at the age of 16 and debuted on Broadway one year later in the musical ''Dance With Your Gods'' (1934);

Whereas during the 1940s, Ms. Horne was one of the first African American women to perform with a white band ensemble, the first black performer to play the Copacabana nightclub, and among the first African Americans to sign a long-term Hollywood film studio contract, garnering her roles in a host of films, including ''Thousands Cheer'' (1943), ''Broadway Rhythm'' (1944), ''Two Girls and a Sailor'' (1944), ''Ziegfeld Follies'' (1946);

Whereas her rendition of the title song to the 1943 film ''Stormy Weather'' became a major hit and among her signature pieces, which also included ''Deed I Do'', ''As Long As I Live'', and Cole Porter's ''Just One of Those Things'';

Whereas Ms. Horne recorded prolifically into the 1990s and the record ''Lena Horne at the Waldorf-Astoria'' became the best-selling album by a female singer in RCA Victor's history;

Whereas Ms. Horne earned four Grammy Awards during the course of her career, including the Recording Academy's Lifetime Achievement Award in 1989, a National Association for the Advancement of Colored People Image Award in 1999, and a Kennedy Center Honor in 1984;

Whereas Ms. Horne appeared extensively on television, including specials with Harry Belafonte, Tony Bennett, numerous musical reviews and variety shows, and appearances on programs like ''Sesame Street'' and ''The Cosby Show'';

Whereas she was nominated for her first Tony Award in 1957 for her role in the musical ''Jamaica'', and her 1981 one-woman Broadway show, ''Lena Horne: The Lady and Her Music'', earned her a Tony Award, a Grammy Award, and ran for more than 300 performances;

Whereas despite Ms. Horne's pioneering contract with MGM studios, she was never featured in a leading role during the 1940s and 50s because her films had to be reedited for theaters in Southern States that proscribed films with black performers;

Whereas Ms. Horne was outspoken in her fight for racial equality;

Whereas during World War II, she used her own money to travel and entertain the troops;

Whereas while Ms. Horne performed at Army camps for the U.S.O., she became an outspoken critic of the treatment of African American servicemen and refused to sing before segregated audiences and at venues in which German Prisoners of War were seated in front of black soldiers;

Whereas during the late 1940s, Ms. Horne sued a number of restaurants and theaters for racial discrimination;

Whereas Ms. Horne was only two years old when her grandmother, suffragette, and civil rights activist Cora Calhoun enrolled her as a member of the National Association for the Advancement of Colored People, and she worked for years with the Delta Sigma Theta sorority and the Urban League;

Whereas she participated in numerous civil rights rallies and demonstrations—marching with Medgar Evers in Mississippi, performing at rallies throughout the Nation for the National Council of Negro Women, and taking part in the March on Washington in August 1963 at which the Rev. Martin Luther King, Jr., delivered his ''I Have a Dream'' speech;

Whereas her commitment to civil rights and political views may have resulted in her appearance on Hollywood ''blacklists'' during the 1950s;

Whereas Ms. Horne worked with Eleanor Roosevelt to pass antilynching legislation;

Whereas with her wide musical range and consummate professionalism, she rose beyond Hollywood's stereotypical portrayals of African American as maids, butlers, and African natives; and

Whereas her poise, grace, and courage paved the way for generations of women and African Americans: Now, therefore, be it

Resolved, That the House of Representatives celebrates the life and achievements of Lena Mary Calhoun Horne and honors her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, Lena Horne has now left us, but she has been known around the world as an outstanding actress, singer, and civil rights advocate. And this resolution honors her pioneering success, her unwavering commitment to advancing the civil rights and human rights of all people.

She went on to break numerous racial barriers as a beautiful, talented, gifted artist, and there are very few people who don't remember her. She received four Grammy awards, a Tony award, the highest honor—the National Association for the Advancement of Colored People's Image award, in 1984 the Kennedy Center Honor, and she was a star at MGM studios. She used her own resources to travel during World War II to entertain troops. She did refuse at that time to sing before any segregated audiences.

She marched with Medgar Evers in Mississippi, and she was honored to know and work with Eleanor Roosevelt.

What a legend, what a life, and what a great contribution to this country she made.

Mr. Speaker, on May 9, the actress and civil rights advocate Lena Mary Calhoun Horne passed away at the age of 92. Today the House considers a resolution to honor her pioneering success and her unwavering commitment to advancing the civil rights of all people.

Born in Brooklyn in 1917, Ms. Horne began her prolific career at Harlem's famed Cotton Club at the age of 16 as a chorus-singer, and debuted on Broadway just a year later in the 1934 musical Dance With Your Gods.

She would go on to break numerous racial barriers in the 1940s American entertainment industry—including being the first African American woman to perform with a white band ensemble, and among the first to sign a long-term Hollywood film studio contract.

Ms. Horne's films gained her national and international acclaim—her performance of the title song to the 1943 film Stormy Weather is still the standard rendition.

Ms. Horne won numerous accolades during her career, among them:

Four Grammy Awards, including the Recording Academy's Lifetime Achievement Award in 1989;

A Tony Award for her one-woman show, Lena Horne: The Lady and Her Music;

A National Association for the Advancement of Colored People (NAACP) Image Award in 1999; and

A Kennedy Center Honor in 1984.

But her success did not come without trial—Ms. Horne, like a generation of African American performers, had to overcome the entertainment industry's entrenched race-based discrimination.

Despite her groundbreaking contract with MGM studios, Ms. Horne was never featured in a leading role during the 1940s and 50s because her films had to be re-edited for theaters in the segregated southern States.

Her outspoken political views may also have landed her on Hollywood "blacklists" in the 1950s, further hindering her film and recording career.

Ms. Horne used her own money to travel during World War II to entertain the troops, and while she performed at Army camps with the U.S.O., she became an outspoken critic of how the military treated its black servicemen.

She refused to sing before segregated audiences, or groups in which German prisoners of war were seated in front of black American soldiers.

During the 1940s, she sued a number of restaurants and theaters for racial discrimination, and she participated in numerous civil rights rallies and demonstrations.

She marched with Medgar Evers in Mississippi, performed at rallies throughout the country for the National Council of Negro Women, and took part in the March on Washington in August 1963 at which the Rev. Martin Luther King, Jr., delivered his "I Have a Dream" speech.

She also worked with Eleanor Roosevelt to pass anti-lynching legislation.

Her courageous commitment to civil rights perhaps began as a toddler, when her grandmother—the suffragette and civil rights advocate Cora Calhoun—enrolled her as an NAACP member at the age of 2.

Actively recording and speaking into her 80s, she will forever be remembered as a consummate professional and trailblazer.

She helped to usher in the end of Hollywood's derogatory portrayals of African Americans as servants and African natives, and she did so with unwavering poise and grace.

She led the way for generations of women and African Americans, and I urge my colleagues to support this important resolution to recognize her achievements.

I reserve my time.

Mr. ROONEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support House Resolution 1362 commemorating the life of Lena Horne who died earlier this month on Sunday, May 9, 2010.

Ms. Horne's many performances as a singer, dancer, and actress enriched countless lives and influenced the history of jazz, pop, Broadway musicals, films, and television. She also contributed in significant ways to the civil rights movement, as Mr. CONYERS just stated.

Ms. Horne was born in Brooklyn, New York, in 1917. Her father left the family when she was 3 and her mother was a traveling actress. At the age of 5, she was sent to live in Georgia with her grandparents. After returning to New York, she joined the chorus at the famed Cotton Club in Harlem in 1933. In the late 1930s and the early 1940s, she was primarily a nightclub performer, but she also appeared in a few low-budget movies and was the featured vocalist on NBC's popular jazz series "The Chamber Music Society of Lower Basin Street."

During a nightclub performance in Hollywood in 1943, she gained the attention of some local talent scouts for the movies. She became the first black performer to sign a long-term contract with a major Hollywood studio. She performed in a number of movie musicals throughout the 1940s, including the MGM musical "Cabin in the Sky."

From the late 1950s through the 1960s, Ms. Horne appeared on many television variety shows, including "The Ed Sullivan Show" and "The Dean Martin Show." In the 1970s and 1980s, she continued to perform in television shows, including appearances on "The Muppet Show," "Sesame Street," and "The Cosby Show."

In 1981, she received a special Tony award for a one-woman Broadway show, "Lena Horne: The Lady and Her Music," which ran for more than 300 performances on Broadway. She also received two Grammy awards for the cast recording of her show.

Ms. Horne again won Grammy awards in 1989 honoring her lifetime achievement, and in 1995, when she was almost 80, for best jazz vocal performance.

Throughout her illustrious career, Ms. Horne found time and energy to devote to the civil rights movement. In 1963, she spoke and performed on behalf of the NAACP and the National Council of Negro Women at the famous March on Washington.

I support this resolution's commemoration of Lena Horne's many contributions to music, television, theater, and civil rights. She brought grace and graciousness to every aspect of her work, and I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to DANNY DAVIS, our dear friend from Chicago, Illinois, as much time as he may consume.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to thank Chairman CONYERS for yielding time, and I also want to thank him for his historical memories of the life of Lena Horne. Some people were fortunate to read about her, but I believe that Chairman CONYERS is old enough to remember her during her heyday. As a matter of fact, I am also. And I never shall forget my sister and I having the opportunity to go and watch "Cabin in the Sky" when we were little kids. As a matter of fact, Chris and I talked about that experience with each other all the way up until the time that she died a few years ago. I mean, for us, that was the most memorable thing that we had ever seen, that we had ever done, that we had ever been able to do.

We didn't know much about civil rights at that time. As a matter of fact, I guess we were a little young to know much about civil rights. But we did know that we just revered this lady, Lena Horne. And then later on as we got older, we were able to appreciate her in different kinds of roles as not only an entertainer, not only a great performer, but also one who had a tremendous amount of spirit in relationship to what it is that she taught. She taught that you really didn't have to take certain kinds of roles if you didn't want them and if you didn't see yourself that way; that it didn't matter what anybody called you; that what really mattered was what you answered to.

And so Lena Horne, who was ageless, priceless—we never knew what her age was because we could never tell. When she was 60, I guess she might have looked like she was 30, maybe 25. So somehow or another, she found the fountain of youth. But she contributed greatly to the development of this country and to the world in which we live.

So again, I want to thank Chairman CONYERS for introducing this resolution, along with Representative CLARKE and other cosponsors.

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Ms. CLARKE. Mr. Speaker, I rise today in support of H. Res. 1362, Celebrating the Life and Achievements of Lena Mary Calhoun Horne.

I want to first thank my friend, mentor, and co-author, Chairman JOHN CONYERS, Jr. working with me to craft this resolution and for bringing it to the floor for a vote.

I am here today to pay tribute to one of Brooklyn's most treasured gifts to American arts, culture, and civil society. On May 9, 2010, Hollywood actress, jazz singer, and civil rights activist Lena Horne passed away at the age of 92.

Ms. Horne was a trail-blazing performing artist whose life exemplified her commitment to social justice, peace, and civil rights. Born and raised in Brooklyn, Ms. Horne made her debut performance in the famous Cotton Club in Harlem at the age of 16, propelling her into a thriving career that took her from Broadway to Hollywood.

A major contributor to the arts, Ms. Horne's legacy as a Broadway star, movie star, and Grammy-award winning recording artist will never be forgotten. Her long career was punctuated by a number of notable firsts and industry accolades. She was the first African-American woman to perform with a white band ensemble, the first black performer to play the Copacabana nightclub, and among the first African Americans to sign a long-term Hollywood film studio contract. Industry recognized her talents with four Grammy Awards, the Recording Academy Lifetime Achievement Award, a Tony Award, and a Kennedy Center Honor.

A member of the NAACP since the age of two, Ms. Horne was an avid supporter of the civil rights movement. She participated in numerous civil rights rallies and demonstrations, including the March on Washington in August 1963. Joining Eleanor Roosevelt, Ms. Horne worked to pass anti-lynching legislation.

A major supporter of the troops, during World War II, Ms. Horne initially toured with the USO performers. After criticizing the treatment of African-American troops, Ms. Horne refused to perform for a segregated military audience. When her studio pulled Horne off the tour as a response to her act of defiance, she ultimately used her own money to finance trips to perform at Army camps. I admire her dedication to honoring our troops.

Ms. Horne left behind a legacy that has forever changed the opportunities available for female African-American performers. But even more important, Ms. Horne is a role model for young women of every race who are brave enough to follow their dreams or speak out against injustice.

One of Brooklyn's finest, Lena Horne will be truly missed, but her legacy will forever remain in our memory, like a sweet . . . sweet . . . melody.

Mr. CONYERS. Mr. Speaker, we have no further requests for speakers. I know that there will be many Members that will be inserting their own statements in the RECORD.

I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1362.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1530

FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENTS ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1782) to provide improvements for the operations of the Federal courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Judiciary Administrative Improvements Act of 2010''.

SEC. 2. SENIOR JUDGE GOVERNANCE CORRECTION.

Section 631(a) of title 28, United States Code, is amended in the first sentence by striking ''(including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 3. REVISION OF STATUTORY DESCRIPTION OF THE DISTRICT OF NORTH DAKOTA.

Chapter 5 of title 28, United States Code, is amended by striking section 114 and inserting the following:

''§ 114. North Dakota

''North Dakota constitutes one judicial district.

''Court shall be held at Bismarck, Fargo, Grand Forks, and Minot.''.

SEC. 4. SEPARATION OF THE JUDGMENT AND STATEMENT OF REASONS FORMS.

Section 3553(c)(2) of title 18, United States Code, is amended by striking ''the written order of judgment and commitment'' and inserting ''a statement of reasons form issued under section 994(w)(1)(B) of title 28''.

SEC. 5. PRETRIAL SERVICES FUNCTIONS FOR JUVENILES.

Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

''(14) Perform, in a manner appropriate for juveniles, any of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.''.

SEC. 6. STATISTICAL REPORTING SCHEDULE FOR CRIMINAL WIRETAP ORDERS.

Section 2519 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''Within thirty days after the expiration of an order (or each extension thereof) entered under section 2518, or the denial of an order approving an interception, the issuing or denying judge'' and inserting ''In January of each year, any judge who has issued an order (or an extension thereof) under section 2518 that expired during the preceding year, or who has denied approval of an interception during that year,'';

(2) in paragraph (2), by striking ''In January of each year'' and inserting ''In March of each year''; and

(3) in paragraph (3), by striking ''In April of each year'' and inserting ''In June of each year''.

SEC. 7. THRESHOLDS FOR ADMINISTRATIVE REVIEW OF OTHER THAN COUNSEL CASE COMPENSATION.

Section 3006A of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A), in the second sentence, by striking ''$500'' and inserting ''$800''; and

(ii) in subparagraph (B), by striking ''$500'' and inserting ''$800''; and

(B) in paragraph (3), in the first sentence, by striking ''$1,600'' and inserting ''$2,400''; and

(2) by adding at the end the following:

''(5) The dollar amounts provided in paragraphs (2) and (3) shall be adjusted simultaneously by an amount, rounded to the nearest multiple of $100, equal to the percentage of the cumulative adjustments taking effect under section 5303 of title 5 in the rates of pay under the General Schedule since the date the dollar amounts provided in paragraphs (2) and (3), respectively, were last enacted or adjusted by statute.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the Federal Judiciary Administrative Improvements Act of 2010 makes a number of changes to increase the efficiency and effectiveness of the Federal courts. The House passed a substantially similar version of this legislation last October.

H.R. 3632, which I introduced, was cosponsored by Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, and Ranking Member HOWARD COBLE of the Subcommittee on Courts and Competition Policy, which I also chair.

S. 1782 would make a number of modest changes to the law and to the administrative operations of the Federal judiciary.

First, it will fix a minor conflict in the law and make clear that senior judges with a reduced workload are permitted to participate in the selection of magistrate judges.

Second, the bill incorporates a proposal supported by my friend and colleague from North Dakota, EARL POMEROY, to place North Dakota in a single judicial district. This will allow for a more even distribution of the workloads of the Federal courts in North Dakota.

Third, the bill makes some minor adjustments for criminal matters. It requires separating the Statement of Reason from other information relating to the case, enabling confidential information to be more carefully controlled and protected.

The bill also clarifies the scope and authority of Federal Pretrial Service officers to supervise and assist juveniles awaiting delinquency disposition in Federal court as an alternative to incarceration.

Further, the bill adjusts the deadline for both State and Federal judges to file their wiretap totals with the Administrative Office of the Courts so that the annual wiretap report to Congress is accurate and does not later require a later addendum.

Finally, the bill increases the statutory amount that can be paid for experts without requiring approval by the chief judge. This raises the current threshold to accurately reflect the impact of inflation.

While I strongly support passage of the Senate bill, I note that some provisions in the House bill are not included in this bill.

For example, the House bill would have adjusted the disability requirement and cost-of-living annuities of four territorial judges, thereby reducing existing inequities between them and other term judges such as magistrate and bankruptcy judges.

The House bill would have changed the annual lead limit for the judicial branch and adjusted the pay scale.

Finally, the House bill would have allowed four Federal Judicial Center Division directors to receive a salary commensurate with their responsibilities and on par with similar AO personnel.

I intend to introduce new legislation that will include these provisions from my version of the Federal Judiciary Administrative Improvements Act, but let me be clear that passage of the legislation before us today is an important step to improving our Federal judiciary and helping it function in the most efficient way. This legislation is bipartisan and noncontroversial. It passed the Senate under unanimous consent and has the full backing of the Judicial Conference. I ask my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1782 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary and provide justice for the American people. The bill retains most of the content of H.R. 3632, which we passed in October of 2009.

The Judicial Conference is the policymaking body of the Federal judiciary and through its committee system evaluates court operations. The conference endorses all the provisions in this bill.

S. 1782 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements, and personnel administration. The bill incorporates five separate items.

First, it clarifies that senior judges must satisfy minimum work thresholds to participate in court government matters, including the selection of magistrates.

Second, the bill eliminates the references to divisions and counties in the statutory description of the Judicial District of North Dakota, which enables the court to better distribute the workload between two active district judges and reduce travel for litigants in the northern central area of the district.

Third, it authorizes the Statement of Reasons that judges must issue upon sentencing to be filed separately with the court. Current law requires that the statement be bundled with other information in the case distributed to the Sentencing Commission, where it can be difficult to maintain a seal related to confidential information.

Fourth, it specifies that the Federal Pretrial Service officers can provide the same services to juveniles as they do for adult offenders, such as drug treatment.

And, finally, it applies an inflationary index to the threshold amount requiring approval by the chief judge of reimbursements for the cost of hiring expert witnesses and conducting investigation for indigent defendants.

The dollar thresholds are statutorily fixed and erode over time. This means chief justices must devote greater time approving what are otherwise not genuine high-dollar requests.

Mr. Speaker, S. 1782 is necessary to improve the functioning of the U.S. courts, which will ultimately benefit the American people. This is a noncontroversial bill, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 1782.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES FOR CHATHAM COUNTY COURTHOUSE FIRE

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1364) honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1364

Whereas on March 5, 1881, the General Assembly of North Carolina approved legislation allowing the Board of Justices of Chatham County to replace the existing architecturally unsound Chatham County courthouse with a new facility and provided the county with construction bonds of up to $12,000;

Whereas Thomas B. Womack designed the plans for the Chatham County Courthouse, and J. Bynum and William Lord London of Pittsboro, North Carolina, were awarded the construction contract;

Whereas on September 1, 1881, members of Columbus Lodge 102 laid the cornerstone of the new courthouse in Pittsboro, and on July 4, 1882, the new courthouse was completed;

Whereas the Chatham County Courthouse is a three-story brick structure with a two-story classical portico topped by a distinguishing three-stage cupola;

Whereas county courthouses are focal points of justice and the rule of law in communities across the country, and the Chatham County Courthouse serves as the central landmark of Pittsboro and Chatham County;

Whereas the historic Chatham County Courthouse was partially destroyed by a tragic fire that broke out on March 25, 2010, at approximately 4:15 p.m;

Whereas firefighters, led by Chatham Country Fire Marshal Thomas Bender, courageously fought the blaze and protected surrounding buildings from damage;

Whereas government officials of the North Carolina Administrative Office of the Courts, Chatham County, and the town of Pittsboro have worked tirelessly to ensure the continuity of judicial operations in Chatham County and to develop a plan to restore the courthouse; and

Whereas the North Carolina court system, Chatham County, and the town of Pittsboro experienced a significant and tragic loss as a result of the March 25, 2010 fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the North Carolina court system, Chatham County, and the town of Pittsboro for the tragic loss of the Chatham County Courthouse;

(2) commends the heroic actions of the Chatham County firefighters and first responders who worked tirelessly to combat the Courthouse fire, minimize the damage to the Courthouse and the historic materials contained therein, and protect the public;

(3) recognizes the community significance of the Courthouse as a cornerstone of justice and the rule of law in Chatham County; and

(4) recognizes the impact that more than a century of landmark court decisions has made on the judicial system of the Town of Pittsboro, Chatham County, and North Carolina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this resolution honors the Chatham County Courthouse in Pittsboro, North Carolina. This historic courthouse was recently destroyed by a fire on March 25, 2010. It took more than 100 courageous firefighters to put out the blaze.

The town of Pittsboro, population around 3,000, has many important historical attractions. These include numerous 19th century buildings, an old-fashioned soda shop on the main street, and a number of antique stores. And for over 100 years, Chatham County Courthouse stood in the middle of town.

The courthouse was originally built in 1881 and was restored in 1991 to its original appearance. Local residents regarded the courthouse as the heart of the county and as a symbol of their community.

This resolution expresses our condolences to the town of Pittsboro and all of Chatham County, North Carolina, for their loss of this historic and significant building, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 1364. This resolution honors the historic and community significance of the Chatham County Courthouse and expresses condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010.

The cornerstone of the Chatham County Courthouse was laid in 1881. The courthouse was completed in 1882. For nearly 130 years, justice and the rule of law preserved this three-story brick courthouse. It stood as the central landmark and community gathering-place for Pittsboro and Chatham County. It helped form the identity and independence of the people of Chatham County.

On March 25, 2010, the Chatham County Courthouse was partially destroyed by a tragic fire. Firefighters and emergency responders fought courageously to save the structure and the historic archives within it. They also protected the public and surrounding buildings from damage.

State, county, and city officials have since worked to ensure that the administration of justice continues in Chatham County. They also plan to restore the courthouse.

This resolution expresses condolences to the people of Chatham County and the town of Pittsboro for their historic loss. The resolution commends the heroic work of the firefighters and first responders, and it recognizes the significance of the courthouse to the community and to the administration of justice for more than a century. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE) for such time as he may consume.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague for yielding and rise in support of H. Res. 1364, recognizing and remembering the Chatham County Courthouse in Pittsboro, North Carolina.

At 4:15 p.m. on March 25 of this year, the upper portion of the courthouse caught fire. The blaze eventually destroyed much of the building, taking with it over 130 years of history and a source of pride and appreciation for Chatham County residents and visitors.

The county the courthouse serves is divided between the Second and Fourth Congressional Districts, and I am pleased to join my colleague, Representative BOB ETHERIDGE, and other North Carolina colleagues today in lamenting the serious damage to this landmark structure.

The Chatham County Courthouse dates back to September 1, 1881, when members of the Columbus Lodge 102 laid its cornerstone at the historic town center of Pittsboro. The building, which is known for its two-story classical portico, topped by a three-stage cupola, was designed by Thomas B. Womack, following the passage of legislation in the North Carolina General Assembly to provide the county with construction bonds of up to $12,000.

The building was completed less than 1 year later, on Independence Day of 1882, and has served ever since as a landmark to visitors and residents alike and a symbol of constancy to the broader community.

Although the building will be rebuilt in time and many of the records lost will be recreated, I grieve with the Chatham County community today for the loss of this courthouse. County courthouses are the cornerstones of justice and the rule of law in our communities; but we know they attain a greater significance, a significance larger than their day-to-day role.

I also would like to recognize the local first responders who responded to the fire for their heroic action in controlling the blaze and ensuring the safety of court personnel. Thanks to their efforts and a working fire alarm system, there were no injuries or fatalities as a result of this fire.

I also commend the North Carolina Administrative Office of the Courts and the Chatham County and town of Pittsboro governments, which have worked tirelessly to ensure the continuity of judicial operations and to develop a plan to restore the courthouse.

Mr. Speaker, I want to thank my colleague, Mr. ETHERIDGE, who represents the town of Pittsboro and the majority of Chatham County in Congress, for his leadership on this resolution. I join with him in extending condolences to the community and expressing our hope and expectation that efforts to rebuild the portions of the building that were destroyed and to restore the archives will be swift and successful.

□ 1545

Mr. ROONEY. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

KATIE SEPICH ENHANCED DNA COLLECTION ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4614) to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Katie Sepich Enhanced DNA Collection Act of 2010''.

SEC. 2. INCENTIVE PAYMENTS UNDER THE BYRNE GRANTS PROGRAM FOR STATES TO IMPLEMENT MINIMUM AND ENHANCED DNA COLLECTION PROCESSES.

Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following new subsection:

''(i) PAYMENT INCENTIVES FOR STATES TO IMPLEMENT MINIMUM AND ENHANCED DNA COLLECTION PROCESSES.—

''(1) PAYMENT INCENTIVES.—

''(A) BONUS FOR MINIMUM DNA COLLECTION PROCESS.—Subject to subparagraph (B), in the case of a State that receives funds for a fiscal year (beginning with fiscal year 2011) under this subpart and has implemented a minimum DNA collection process and uses such process for such year, the amount of funds that would otherwise be allocated under this subpart to such State for such fiscal year shall be increased by 5 percent.

''(B) BONUS FOR ENHANCED DNA COLLECTION PROCESS.—In the case of a State that receives funds for a fiscal year (beginning with fiscal year 2011) under this subpart and has implemented an enhanced DNA collection process and uses such process for such year, the amount of funds that would otherwise be allocated under this subpart to such State for such fiscal year shall be increased by 10 percent.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) MINIMUM DNA COLLECTION PROCESS.—The term 'minimum DNA collection process' means, with respect to a State, a process under which the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation is searched at least one time against samples from the following individuals who are at least 18 years of age:

''(i) Such individuals who are arrested for, charged with, or indicted for a criminal offense under State law that consists of murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

''(ii) Such individuals who are arrested for, charged with, or indicted for a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 5 years, or an attempt to commit such an offense.

''(iii) Such individuals who are arrested for, charged with, or indicted for a criminal offense under State law that has an element of kidnaping or abduction punishable by imprisonment for 5 years or more.

''(B) ENHANCED DNA COLLECTION PROCESS.—The term 'enhanced DNA collection process' means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation, of DNA samples from the following individuals who are at least 18 years of age:

''(i) Such individuals who are arrested for or charged with a criminal offense under State law that consists of murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

''(ii) Such individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year, or an attempt to commit such an offense.

''(iii) Such individuals who are arrested for or charged with a criminal offense under State law that consists of a specified offense against a minor (as defined in section 111(7) of the Sex Offender Registration and Notification Act (42 U.S.C. 16911(7)), or an attempt to commit such an offense.

''(iv) Such individuals who are arrested for or charged with a criminal offense under State law that consists of burglary or any attempt to commit burglary.

''(v) Such individuals who are arrested for or charged with a criminal offense under State law that consists of aggravated assault.

''(3) EXPUNGEMENT OF PROFILES.—The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any samples collected pursuant to this subsection for purposes of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation.

''(4) REPORTS.—The Attorney General shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate an annual report (which shall be made publicly available) that—

''(A) lists the States, for the year involved—

''(i) which have (and those States which have not) implemented a minimum DNA collection process and use such process; and

''(ii) which have (and those States which have not) implemented an enhanced DNA collection process and use such process;

''(B) describes the increases granted to States under paragraph (1) for the year involved and the amounts that States not receiving an increase under such paragraph would have received if such States had a minimum or enhanced DNA collection process; and

''(C) includes statistics, with respect to the year involved, regarding the benefits to law enforcement resulting from the implementation of minimum and enhanced DNA collection processes, including the number of matches made due to the inclusion of arrestee profiles under such a process.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for each of the fiscal years 2011 through 2015, in addition to funds made available under section 508, such sums as may be necessary, but not to exceed the amount that is 10 percent of the total amount appropriated pursuant to such section for such fiscal year.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Katie Sepich Enhanced DNA Collection Act of 2010, otherwise known as Katie's Law, will help prevent violent crime, help exonerate the innocent, give our police access to cutting-edge forensic techniques, and reduce the cost of criminal investigations. More importantly, Katie's Law will help victims of violent crime and their families get answers and the closure that they need.

Katie's Law encourages the States to adopt effective DNA collection procedures. States that meet the minimum standards set by the bill are entitled to a 5 percent bonus in Byrne/JAG funding for State and local law enforcement. States that adopt the enhanced standards are entitled to a 10 percent bonus. These funds are in addition to funds awarded through Byrne/JAG. States that do not adopt collection procedures that meet the new Federal standards are not penalized in any way. Katie's Law also directs the Attorney General to report to Congress once a year on the progress made by the States in adopting new collection procedures.

Katie's Law is named for Katie Sepich, who is remembered as a vibrant young woman and a graduate student at New Mexico State University. In the summer of 2003, Katie was brutally raped and murdered just outside her home. Katie's parents, Jayann and Dave Sepich, waited for 3 long years as the investigation continued, without producing any strong leads. In January, 2006, thanks to the efforts of the Sepich family, the New Mexico State legislature passed a measure to require the collection of DNA evidence in the investigation of certain felonies. Months later, investigators linked a DNA sample from Katie's attacker to a sample taken from a repeat violent offender who had been in and out of police custody for years. Confronted with the evidence, the suspect pled guilty to the crime and is now serving 69 years in prison without parole.

Mr. Speaker, I commend the law enforcement officers who solved this crime. But consider the fact that Katie's assailant was arrested for aggravated burglary just weeks after attacking Katie. If a DNA sample from that individual had matched evidence from the crime scene, the case might have been solved years earlier; police officers could have saved thousands of dollars and hundreds of man hours; and Katie's family might not have spent 3 painful years in investigatory limbo.

Katie's Law provides the resources necessary to solve crimes sooner. This measure passed the House with overwhelming support last Congress, and has cosponsors from both sides of the aisle. I commend my colleagues, HARRY TEAGUE and ADAM SCHIFF, for their tireless work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 4614.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4614, which I am proud to be a cosponsor of. The Katie Sepich Enhanced DNA Collection Act authorizes incentive grants to States that implement programs to collect DNA samples from felony arrestees. DNA arrestee programs provide an important law enforcement tool to identify the perpetrators of open and unsolved cases. DNA arrestee programs can also prevent crime by linking suspects to crimes and locking them up before they have a chance to strike again.

Katie Sepich's case clearly demonstrates the value of collecting DNA from felony arrestees. Just 3 months after brutally raping and murdering Katie in 2003, Gabriel Avilla committed an aggravated burglary for which he was convicted in 2004, absconded from his sentencing, and was apprehended again in 2005. His DNA was finally taken and matched to Katie's case—a match that could have been obtained just 3 months after Katie's murder, saving valuable law enforcement resources and providing some closure to Katie's families and friends.

New Mexico's DNA arrestee law was passed in 2006. Twenty-one other States now have similar laws, including my home State of Florida. Florida's DNA arrestee program solved a 25-year-old murder when the suspect was arrested last May—and his DNA collected—on felony drug charges. In New York, DNA collected following a drunk-driving arrest linked a suspect to three rape/homicides dating back over 20 years.

By collecting DNA samples from arrestees and uploading them into a national DNA data base, or CODIS, States can empower police and prosecutors not only to solve cold cases but hopefully apprehend violent criminals before more innocent people are victimized and precious lives are lost. H.R. 4614 provides incentive grants to States that implement and use DNA arrestee programs.

The amended version of this bill before us today makes several important improvements to the bill. First, it removes the provision that would have penalized States that do not have arrestee programs by deducting 5 percent of their Federal grant money. Second, it creates a two-tiered system for incentive grant awards based upon whether the State has a ''minimum'' or ''enhanced'' arrestee program, which I hope will provide greater flexibility to States receiving those grants. Third, the amended bill places a cap on the authorization level, limiting it to 10 percent of the amount appropriated for the Byrne/JAG grant program.

I support these improvements to the bill. However, I also recognize there are other areas where the bill could also be improved. A significant hurdle to States implementing DNA arrestee programs is the cost. In Georgia, for instance, where legislation was introduced earlier this year to require DNA collection from arrestees, it would cost as much as $7 million a year to operate the program. Unfortunately, Georgia will not be eligible for an incentive grant under H.R. 4614 until it fully implements a DNA arrestee process. A possible solution would be to allow States, such as Georgia, to use grant funding to implement their DNA arrestee law, where the costs are arguably their highest.

In addition, H.R. 4614 awards incentive grants to States with DNA arrestee programs not just once, but year after year after year. Perhaps the emphasis should be on those States that have not yet enacted or implemented a DNA arrestee program. Because this grant increase is compulsory under this bill, the Justice Department will be required to administer the additional bonus to States even if Congress does not appropriate additional funds for the program. There is concern that this may ultimately result in depleting Byrne/JAG funds from certain States, thus creating a penalty to States without the DNA arrestee law. I hope to work with all concerned parties and resolve the lingering issues as this legislation moves forward.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I now yield such time as he may consume to the sponsor of this bill, the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Speaker, I rise today in support of the Katie Sepich Enhanced DNA Collection Act, or Katie's Law. First of all, I want to thank my colleagues, Representative SCHIFF and Representative REICHERT, for all their hard work on this important piece of legislation. Most of all, I want to thank Jayann and Dave Sepich, constituents of mine from Carlsbad, New Mexico, for bringing this important issue to my attention and for crusading tirelessly to help pass arrestee DNA laws nationwide.

This bill is named for their daughter, Katie Sepich, who was brutally raped and murdered in Las Cruces, New Mexico, in 2003, at the age of 22. Jayann and Dave have bravely taken this devastating and horrific experience that most people, including myself, could never imagine, and have turned it into something that will save lives and help families across the country. If this law had been on the books in New Mexico at the time of Katie's murder, her case would have been solved 3 months after her death when her killer was arrested for breaking into the home of two women after watching them through a window. Instead, Katie's killer was not identified until over 3 years after her murder and was left to roam the streets for much of that time.

Since Katie's murder in 2003, New Mexico has passed a State law allowing law enforcement to collect DNA from those arrested for certain felonies. Twenty-two other States as well as the Federal Government have passed similar laws. I have introduced my version of Katie's Law at the Federal level to make sure that this life-saving law that is in effect in my home State of New Mexico and 22 others is the standard for every State.

The Katie's Law I have introduced will incentivize States to, at the very least, match certain arrestees to the national DNA bank, the Combined DNA Information System, or CODIS, by providing the States that comply with a 5-percent increase in their Byrne/JAG funds. There is no requirement for retention of the DNA record after it is checked against CODIS. Katie's Law will also further incentivize those States which not only match arrestees but also contribute to the CODIS with a 10-percent increase in Byrne/JAG funds. Not only do these incentives encourage States to implement arrestee DNA laws, but they provide much needed support to local law enforcement as they work to keep our streets safe.

DNA has rightly been called the fingerprint of the 21st century. By simply swabbing a person's cheek and then coding junk DNA with only 13 indicators, law enforcement can accurately identify perpetrators of a crime without regard to race or criminal history. This practice protects the privacy of arrestees, since any identifying information, such as genetic predisposition to disease, is not coded for use by law enforcement. In addition, my bill contains an expungement clause to make sure there is a way for DNA to be removed from CODIS should a person not be convicted of the crime for which they were arrested.

The full potential of DNA as a crime-solving tool cannot be realized if we're not collecting DNA from those arrestees for certain violent crimes. Statistics show that 70 percent of America's crimes are committed by 6 percent of America's criminals. This means many of those who have committed some of the most heinous crimes in our society are repeat offenders.

□ 1600

One study conducted in Chicago tracked the known criminal activity of eight individuals and determined that 60 violent crimes, including 53 murders, would have been prevented if the eight individuals' DNA had been taken on their first felony arrest. Similarly, a serial killer and rapist from California named Chester Turner raped and murdered at least 12 women between 1987 and 1998, during which time he was also arrested a total of 18 times. Had Turner been swabbed for DNA when he was arrested on January 26, 1987, he would have been linked to his first victim, and 11 women would still be alive today. These women are not just names in a police report. They are real people with aspirations, with families, with husbands, with people who love them, and they didn't have to die. Worse still, an innocent man named David Jones was wrongfully convicted of three of the Turner murders and served 11 years in prison before he was finally absolved.

Considering the potential for false identification and the number of repeat offenders in our criminal justice system, it's only common sense that if someone is arrested for a crime like rape, murder, or kidnapping, we make sure we identify them fully before we release them back onto the streets. We use fingerprints for this very purpose, and we should use the modern equivalent, junk DNA.

Katie's Law simply allows law enforcement to treat DNA evidence left at the scene of a crime as they do fingerprints. The fact is that the science has advanced, and we should allow law enforcement to use all of the technology available to them, including the fingerprints of the 21st century, to reduce expensive and unjust false convictions, bring closure to victims by solving cold cases, better identify criminals, and keep those who commit violent crime from walking the streets.

Jayann and Dave have experienced something that no parent should ever have to, the loss of a child. We have the power through advanced DNA collection to make one less parent grieve for a child, one less husband grieve for a wife, or one less child lose a parent.

I ask that you support this legislation.

Mr. ROONEY. Madam Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. REICHERT), a former sheriff and cosponsor of this legislation.

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I am proud to rise today to join with Mr. TEAGUE and Mr. SCHIFF to fight for Katie's Law. Think about what I just said, ''Katie's Law.'' We have a bill named after a young lady, a 22-year-old woman whose life was ripped away from her, so we name a law, and her name will live on. Katie Sepich from Carlsbad, New Mexico, 22 years old. Her life was ripped away from her by a monster.

I think most Members of Congress know that I had a full career as a police officer, a sheriff's deputy, SWAT commander, homicide detective, hostage negotiator, a street cop for 33 years, and finally as the sheriff before I left the Sheriff's Office. I know firsthand what DNA does.

In 1982, I was a 31-year-old homicide detective standing by the riverside, collecting the bodies of three young women, 16 years old, dead. No DNA then. All we had was blood-typing. We were fortunate, though, that we had some bodily samples that we could take that we froze and we saved for 19 years. In 1987, the team of detectives that were together on that case had an opportunity to search the home of a suspect and take body fluids from him. He chewed on a piece of gauze. We put it in a test tube, and we froze that. In 1987, ''CSI'' of course had not been heard of, but we were still using science—entomology, biology, archaeology, forensic pathology, et cetera. No computers. No DNA. Still blood-typing.

In 1998–99, the first DNA science became known to law enforcement, so we sent our sample to the only two labs that were dealing with DNA at that time. They said, Your samples were too fragile, too small. We might destroy them if we tested them further, so come back in a couple of years. In 2001, we submitted the samples, and we came back with a DNA match on three of the bodies. With that DNA match, out of 40,000 tip sheets, 10,000 items of evidence, we solved 48 murders. We closed 50 cases. He pled guilty to 48 murders because of DNA.

I can't tell you how important Katie's Law is to saving lives. That person who committed these 48 crimes and many, many more took the deaths of these young women, ended their lives tragically and ruined the lives of their families for the rest of their lives. There can never be closure for those families and never be closure for their friends. There can only be answers to questions, Who killed my daughter? Who took her life and why? That's what DNA does. But it also protects the innocent, as most of you know. There have been some over the past several years that have actually been released from prison because they found the guilty person.

So there are all kinds of reasons why this law needs to be passed today, and I hope every Member votes ''yes'' to pass Katie's Law in honor of the tragedy, the loss of Katie's life, and in honor of all those who have been taken so senselessly.

Mr. JOHNSON of Georgia. Madam Speaker, may I inquire as to how many further speakers the floor manager has remaining?

Mr. ROONEY. Madam Speaker, I have no further speakers.

Mr. JOHNSON of Georgia. Madam Speaker, I yield for as much time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

DNA is perhaps the most powerful and most reliable tool at the disposal of criminal investigators today. As a former Federal prosecutor during the early days of the DNA revolution, I have seen firsthand the power of DNA to prove the guilt or innocence of a suspect.

In 2008, I proposed an amendment to the Debbie Smith Act reauthorization that would have put in place a 10 percent bonus in Byrne/JAG grants for States to collect DNA profiles from anyone arrested for certain serious felonies. It passed the House with a strong bipartisan vote, but the clock ran out in the Senate. I could not be more pleased that Congressman HARRY TEAGUE has taken up the banner on this issue. I hope this year we can finally get it across the finish line.

You have heard the tragic story of Katie Sepich, for whom this bill is named. Katie was a bright, vivacious 22-year-old from New Mexico who was murdered in 2003. Police were able to extract the DNA profile of her attacker from beneath Katie's fingernails, but they got no match to anyone in the offender database. When they finally did get a hit on the attacker's DNA, they discovered that the murderer had been arrested repeatedly for burglaries after 2003, but because he was never convicted, he was not required to submit a DNA sample for the database. Had New Mexico had arrestee testing at the time, Katie's killer would have been taken off the streets years earlier.

There are 23 States, including my home State of California, that have now adopted DNA collection upon arrest or indictment for at least some violent felonies. By doing so, these States increase the power of the national database to solve crimes. The bonus in Federal law enforcement grants provided by Katie's Law will encourage additional States to adopt arrestee testing law. The legislation preserves civil liberties protections by requiring the FBI and the States to expunge the DNA of suspects who are acquitted.

We know the power of this technology. We also know the cost of delay, the cost of an inadequate database, and it is simply this: that as we wait to run these samples or if we miss the opportunity to test the samples of those arrested for violent felonies, we know with a virtual statistical certainty that people we could take off the street, people that have committed rape or committed murder, will, in the interim between the time we do take the sample of the arrestee or between the time we do erase the backlog, will go on to murder others, to rape others. And what a tragedy it is when we have this tool not to utilize it to its full extent.

I want to thank my colleagues for their leadership on this issue. HARRY TEAGUE has been a great champion. Congressman REICHERT has been a great champion, and we are indebted to their leadership on this. This legislation is the product of years of work and debate in Congress. It will help law enforcement use DNA to solve crimes, and it will keep in place existing civil liberties protections. So hats off to Representatives TEAGUE and REICHERT for their leadership on this issue and to Chairman CONYERS and to Chairman SCOTT for their support as well. I urge its adoption.

Mr. ROONEY. Madam Speaker, I want to personally thank Mr. TEAGUE from New Mexico and Mr. REICHERT from Washington for their leadership on this bill.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 4614, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROONEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MICHAEL C. ROTHBERG POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5099) to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICHAEL C. ROTHBERG POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, shall be known and designated as the ''Michael C. Rothberg Post Office''.

(b) REFERENCES.—Any references in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Michael C. Rothberg Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I rise in support of H.R. 5099. This measure designates the United States postal building located at 15 South Main Street in Sharon, Massachusetts, as the Michael C. Rothberg Post Office Building.

Michael Rothberg was a victim of the September 11 terrorist attacks on the World Trade Center in New York City, New York. He worked for Cantor Fitzgerald as a director of program trading. Described by those who knew him as analytical and independent, he had a knack for the high technology used in bond trading, yet he was still able to clearly explain complicated concepts to his clients. Michael liked to be the leader of a team. He enjoyed the autonomy and the freedom to make one's own decisions. He even encouraged his subordinates—''his colleagues,'' as he called them—to have similar aspirations.

Michael Rothberg was a member of the Sharon High School class of 1980 and a graduate of McGill University. He was a very active supporter of the Dana-Farber Institute's Jimmy Fund, the Multiple Sclerosis Foundation, and Mutual Funds Against Cancer.

He is survived by his parents, Iris and Jay Rothberg, as well as his sister, Rhonda.

□ 1615

The Michael C. Rothberg Memorial Scholarship fund was set up for students from Sharon High School. The Michael C. Rothberg Memorial Race is also held every year in Michael's honor.

H.R. 5099 was introduced by our colleague, the gentleman from Massachusetts (Mr. FRANK) on April 21, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on May 6, 2010.

The measure has the support of the entire New York House delegation. I thank the gentleman from Massachusetts for introducing this measure. I also would like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5099 designating the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the Michael C. Rothberg Post Office.

A native of Sharon, Massachusetts, Michael graduated from Sharon High School and went on to receive his bachelor's and master's degrees from McGill University.

His family and friends described him as kind, generous and selfless. It was Michael who encouraged and financed his sister, Rhonda, to start her own business. Michael was known to work hard, excelling in his position on Wall Street, rising to the 104th floor of the World Trade Center, where he worked for Cantor Fitzgerald. He made friends with many of the clients and associates he worked with, helping them both in and out of the office.

His mother Iris tells of a time a friend found out she had cancer, and Michael immediately went to his staff and raised money for the Jimmy Fund. She also tells of a time a client needed surgery, and Michael sent a car for her and waited during the procedure to take her home.

On September 11, 2001, the United States was attacked by radical Islamic jihadists, those against what America considers good and just. Behind the devastating number of deaths were the individuals, each having family and friends they left behind. One of these victims was Michael C. Rothberg. He was 39 years old.

To honor Michael's dedication to his community, The Michael C. Rothberg September 11th Memorial Scholarship was organized by former classmates, friends, and family. The scholarship is awarded to students at Sharon High School who show qualities of academic integrity, ethical commitment, and service to the community.

Today we honor Michael, whose short life was dedicated selflessly to his friends and family. To celebrate and preserve his legacy, I ask all Members to join in supporting H.R. 5099.

Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I appreciate the prompt action of the committee in processing this bill. Michael Rothberg was one of the talented young Americans who was one of the victims of the mass murder by bloodthirsty terrorists on September 11th. Mr. Rothberg was one of those killed by these vicious thugs in their attack on the World Trade Center.

Understandably, his family, who is proud of him and of the high regard he was held in the town in which he had lived, asked that I act to have the town's post office named for him. It was a request that was enthusiastically supported by the government of the town, not surprisingly, because it is a community that takes its civic responsibilities seriously and elects and appoints people to town offices who are thoughtful, compassionate, and effective.

Mr. Rothberg was born in Sharon and graduated from Sharon High School. He then went on to earn his Bachelors and Masters degrees in math and computer science from McGill University in Montreal. He went to work for Kanter Fitzgerald whose offices were on the 104th floor of the World Trade Center, and on September 11th, he was tragically killed in his office.

Michael Rothberg was both a very successful professional and a man of great generosity, and while he was working in New York, he remembered his Massachusetts roots in his generous support of important medically-related charities, for example the Dana Farber Cancer Institute's Jimmy Fund. He was also a strong supporter of the Multiple Sclerosis Foundation and Mutual Funds against Cancer.

His family has established the Michael C. Rothberg Memorial Scholarship, and his fellow Sharonites have generously contributed to it in his memory in a number of ways.

Madam Speaker, I appreciate the chance to join Michael Rothberg's family and the town of Sharon in memorializing an able, generous man who is sorely missed, and we all take this occasion of course to reaffirm our resolve to do everything that we can to protect all of us against a repeat of this tragedy.

Mr. DAVIS of Illinois. Madam Speaker, I urge my colleagues to join me in support of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5099.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING PHIL MICKELSON ON WINNING 2010 MASTERS GOLF TOURNAMENT

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1256) congratulating Phil Mickelson on winning the 2010 Masters golf tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1256

Whereas, on April 11, 2010, Phil Mickelson won the Masters golf tournament for the third time at the Augusta National Golf Course in Augusta, Georgia;

Whereas the Augusta National Golf Course was established in 1933;

Whereas the Masters was started by Clifford Roberts and Robert Tyre ''Bobby'' Jones, Jr., who designed the Augusta National Golf Course with course architect Alister MacKenzie;

Whereas the Augusta National Golf Course has hosted the Masters since 1934;

Whereas the Masters is one of the 4 major championships in professional golf;

Whereas past Masters champions include some of the greatest players in golf history, such as Walter Hagen, Ben Hogan, Arnold Palmer, Gary Player, Byron Nelson, Jack Nicklaus, Gene Sarazen, Sam Snead, Tom Watson, and Tiger Woods;

Whereas Phil Mickelson shot a final round 67 for a 72-hole total of 16 under par, 3 strokes better than any other competitor;

Whereas Phil Mickelson brings great pride and honor to his family and friends through the tremendous skill, patience, and determination he displayed in victory;

Whereas Phil Mickelson has won 4 major championships, including the Masters 3 times, and a total of 38 events on the PGA Tour; and

Whereas the Phil and Amy Mickelson Foundation, through involvement with Start Smart, the Mickelson ExxonMobil Teachers Academy, and other causes, have supported a variety of youth and family initiatives: Now, therefore, be it

Resolved, That the House of Representatives congratulates Phil Mickelson on the outstanding accomplishment of winning the 2010 Masters golf tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

I rise to congratulate professional golfer Phil Mickelson on his stunning victory in the 2010 Masters Golf Tournament.

On April 11, 2010, in Augusta, Georgia, golfer Phil Mickelson sank his last birdie of the game to clinch his third Masters Golf Tournament victory. This was his fourth career championship victory. He finished with the score of 16 under par, the best score in a Masters Tournament since 2001. I would also like to recognize the courage and the tenacity of two extraordinary women who were at Mr. Mickelson's side during his great victory: Amy Mickelson, his wife; and Mary Mickelson, his mother. Both recently have been diagnosed with breast cancer. The Mickelson family has shown amazing bravery in the face of these difficult circumstances. We wish them the very best in the challenges that lie ahead, and let us keep them in our thoughts and prayers.

H. Res. 1256 was introduced by our colleague, the gentleman from Georgia (Mr. BROUN), on April 15, 2010, and was referred to the Committee on Oversight and Government Reform. The committee reported the measure by unanimous consent on May 6, 2010. The measure enjoys the support of over 70 Members of the House. I want to thank the gentleman from Georgia for introducing this measure. I would also like to thank Chairman TOWNS and Ranking Member ISSA for their support of the resolution. I ask my colleagues to join me in congratulating Mr. Mickelson on his success in the tournament by supporting this resolution.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1256, which congratulates Phil Mickelson on winning the 2010 Masters Golf Tournament in Augusta, Georgia. His strong performance in the tournament and his exemplary community involvement throughout his career is an example not only for millions of golf fans, but for all Americans.

Mickelson's victory was his third Masters title and his fourth major championship of his stellar career. Despite the loud buzz surrounding this year's tournament, Mickelson quietly and consistently played each hole very well. He did not shoot above par on a single hole in the final round and won the tournament by three strokes. ESPN wrote that ''the signature moment came on the 13th, a hole Mickelson has dominated like no other at Augusta. With a 2-shot lead, he was stuck between two Georgia pines and had just over 200 yards to the hole. He never considered anything but a shot at the green.''

Mickelson took the risky shot, and as he said, ''it came off perfect.'' Mickelson ended the day by hitting a birdie on the 18th hole to increase his lead to 3. Even though Mickelson has 40 other tournament wins, this Masters victory may have meant the most to him because of all he has been through in the last year. Both his wife and mother were diagnosed with cancer in the past year.

The Masters was the first tournament that Amy, his wife, was able to attend in months since she was diagnosed with breast cancer almost a year ago. Amy had been unable to attend the tournament during the first few rounds and was so tired she did not think that she could attend on Sunday to watch the final round. However, she found the strength to go to the 18th hole and watch her husband win. All of the fans at the tournament and golf fans around the world cheered as Mickelson embraced his wife. It was a very touching moment. Afterwards Mickelson said, ''In the last year, we've been through a lot, and it's been tough. And to be on the other end and feel this kind of jubilation is incredible.'' What a gentleman, what a role model is Phil Mickelson.

Madam Speaker, I urge all of my colleagues to support this resolution that recognizes Phil Mickelson's performance and great character during this Masters Tournament and also Augusta National for hosting another outstanding tournament.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1256.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SALAZAR. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL TEACHER DAY

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 403) expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 403

Whereas the education of children in the United States is the foundation of the future success of the United States;

Whereas education is critical for the creation of an innovative workforce and for increasing the global competitiveness of the United States;

Whereas teachers help students cultivate the knowledge and principles necessary to be successful in life;

Whereas teachers are held to high expectations;

Whereas teachers help instill civic responsibility among students in the United States;

Whereas teachers deserve annual national recognition for their knowledge, selfless dedication to their profession, compassion, and sacrifice; and

Whereas the Tuesday of the first full week of May of each year is an appropriate day for the establishment of National Teacher Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Teacher Day; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 403, a resolution that supports the goals and ideals of National Teacher Day to honor and celebrate teachers in the United States of America.

Every day in schools across the country, teachers work tirelessly to educate our country's most precious resource, our children. Oftentimes they work long hours under difficult conditions and don't receive the recognition and appreciation they deserve. The least we can do is designate a day where the teachers of America know that they are appreciated and that they are in our thoughts.

□ 1630

Most of us can think back to that one special teacher who influenced us or changed our lives: the math teacher that took extra time out of their overloaded schedule to help us understand that one difficult algebra problem; the Spanish teacher who stayed late to help us with verb conjugations before the big test, or the history teacher who made the American Revolution come alive off the page of a textbook.

Teachers are the glue that holds our education system together. They ensure that our young people become successful adults by providing the knowledge and skills for them to thrive, even if some of our children don't realize it at the time. Teachers help our children find their way along the path to adulthood, teaching more than facts and figures, but life lessons as well.

I often remember and often talk about my favorite teacher, a woman, Ms. Beadie King, who taught in a one-room school that I attended as a young person. Ms. Beadie taught 8 grades plus what we called the little primer and the big primer, all at the same time. And oftentimes today, when I talk, I use pithy sayings and comments. Most of those I remember from Ms. Beadie, who would often use these little illustrations to try and teach us how to behave.

For example, she used to tell us that a wise old owl sat on an oak. The more he heard, the less he spoke. The more he spoke, the less he heard. Now I want you boys to be like that wise old bird. And of course, if we didn't comply, she had other methods and techniques that she would use to get her message across.

And to this very day—that's been a long, long time ago—I never forget poems that she taught us because by the time I graduated high school, she had become the English teacher and the literature teacher.

And she taught without thinking about her compensation. As a matter of fact, some days she would walk in the rain, 6 to 8 miles herself, to get to school. Other times, if the weather was just too inclement, her husband would drive her in his wagon. Now, of course, lots of people can't remember times like those, but that was sometime ago.

We still have many dedicated teachers all over America, teachers who give of themselves in such a way that others can experience and have the opportunities to grow and develop to become whatever it is that their talents, ambition, hard work combine to make them. That is the role of teachers. That is the promise of America.

And so we salute teachers on this day. I believe that they are the salt of the Earth, the pillars of the universe, the individuals upon whose shoulders the rest of society stands.

And so I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 403, expressing the sense that the House of Representatives should establish a National Teachers Day to honor and celebrate teachers in the United States.

Every day thousands of men and women in this country wake up in the morning with a tremendous responsibility, the stressful and sometimes daunting task of educating our Nation's youth. We entrust these special people with our most precious gift, our children.

Education requires commitment and hard work from both students and teachers. Most of us can point to the one or two special educators, as Mr. DAVIS was just talking about his teacher, whose impact allowed us to get to where we are today.

Teachers have guided children throughout history instilling principles of good citizenship, hard work and the reward of doing one's personal best. Across all borders and around the world, teachers are a key factor in engaging the minds of their students and imparting knowledge for a lifetime.

Through their dedication and passion for service, teachers bridge the gap between the resources available and the vital need for a strong education. They provide the tools necessary for success, and their sacrifice deserves national recognition.

Madam Speaker, I ask all Members to join me in supporting this resolution.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, this resolution was introduced by our colleague, the gentleman from Florida, Representative RON KLEIN, on April 22, 2010, and was referred to the Committee on Oversight and Government Reform. The committee reported the measure by unanimous consent on May 6, 2010. The measure enjoys the support of over 70 Members of the House, and so I thank the Member from Florida for introducing this measure. And I'd also like to thank Chairman TOWNS and Ranking Member ISSA for their support. I urge my colleagues to join me in supporting our Nation's teachers by voting in favor of this measure.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, teachers around this country are overworked; they're underpaid. They have the future of our Nation in their hands, and they deserve the recognition that this resolution so duly gives them. And I urge support of this resolution.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, to close, we have noted lately strong conversation about perhaps some school districts having to lay off teachers, not having all of the resources that are needed or the resources that are necessary to keep them engaged and keep them employed.

I urge my colleagues, not only to support this resolution, but I urge this Congress, I urge State legislatures, I urge State officials and Federal officials and local officials all across the country to make absolutely certain that we find the resources necessary to make our education system the very best in the world and to live up to the idea that our teachers deserve all of the support we could possibly provide.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. DAVIS of Illinois. Yes.

Mr. BROUN of Georgia. I just want to associate myself with the gentleman's remarks. He's absolutely right. We need to focus on teachers, not administrators and a lot of the auxiliary people who are in the educational system today. Teachers should be the primary focus.

In my State of Georgia, we're laying off teachers, and it's a crying shame. Teachers don't get the recognition that they deserve. They don't get the pay that they deserve. They're hamstrung by red tape and paperwork. They're struggling very hard to impart an education to the youth of our Nation. Many of these teachers have to come out of their own pocket to pay for supplies for kids in their own room, and that's a crying shame. It should not be that way.

This is just a simple token, but I hope a tremendous token, to honor the teachers that affect all of us and affect the Nation's future. And so I wanted to associate myself with Mr. DAVIS' words because he's very, very correct in what he said. These people need the much deserved recognition that this resolution gives them. And I thank the gentleman for yielding.

Mr. DAVIS of Illinois. I want to thank the gentleman from Georgia (Mr. BROUN) very much for his comments, and I join with him.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 403, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICAN CRAFT BEER WEEK

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1297) supporting the goals and ideals of American Craft Beer Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1297

Whereas American Craft Beer Week is annually celebrated in breweries, restaurants, and beer stores by craft brewers and home brewers nationwide;

Whereas in 2010, American Craft Beer Week is celebrated from May 17 to May 23;

Whereas craft brewers operate smaller breweries, each producing less than 2,000,000 barrels per year, and produce high-quality beers using traditional brewing techniques;

Whereas more than 1,500 craft breweries are in business across the United States;

Whereas in 2009, 110 new breweries opened, creating jobs and improving economies in communities across the United States;

Whereas in 2009, American craft breweries produced more than 9,000,000 barrels of beer, which was 500,000 more barrels than in 2008;

Whereas American craft brewers export more than 1,300,000 gallons of beer abroad and are creating new markets and new international opportunities each year;

Whereas American craft brewers employ nearly 100,000 full- and part-time workers and generate more than $3,000,000,000 in wages and benefits;

Whereas American craft brewers support American agriculture by purchasing barley, malt, and hops grown, processed, and distributed in the United States;

Whereas American craft brewers increase awareness of the differences in the flavor, aroma, color, alcohol content, body, and other complex variables of beer, as well as historic brewing traditions dating back to colonial America;

Whereas American craft brewers champion the message of responsible enjoyment to their customers and work with their communities to prevent alcohol abuse and underage drinking;

Whereas American craft brewers are frequently involved in local communities through philanthropy, volunteerism, and sponsorship of community events;

Whereas craft brewing harnesses the innovative spirit of the United States, creating new and unique styles of beers that consistently win international quality and taste awards; and

Whereas increased Federal and State support of craft brewing is important to fostering growth of an American industry that creates jobs, greatly benefits the economy, and brings international accolades to American small businesses: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Craft Beer Week, as founded by the Brewers Association;

(2) recognizes the significant contributions of craft brewers to the economy of the United States; and

(3) encourages beer-lovers of the United States to celebrate American Craft Beer Week through events at microbreweries, brewpubs, and beer stores across the United States to appreciate the accomplishments of craft brewers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I'm pleased to present H. Res. 1297 for consideration. This measure supports the goals and ideas of American Craft Beer Week.

H. Res. 1297 was introduced by our colleague, the gentlewoman from Colorado, Representative BETSY MARKEY, on April 22, 2010. It was referred to the Committee on Government Reform, which ordered it reported favorably by unanimous consent on May 6, 2010. The measure enjoys the support of over 60 Members of the House.

Madam Speaker, American craft brewers make up a small but fast growing part of the American beer industry, creating a wide variety of beers of many different flavors, colors, aromas, and alcohol strengths. Many commercial craft brewers began as hobbyists, learning about beer by brewing at home. The trade of craft brewing dates back to colonial America, and even George Washington and Thomas Jefferson were known to have produced their own beer.

There are now more than 1,500 craft breweries across the United States. They employ over 100,000 full- and part-time employees and generate over $3 billion in wages and benefits annually. Their industry supports American agriculture by purchasing ingredients grown, processed, and distributed right here in the United States. They make up only a small percentage of the Nation's beer industry, about 6.9 percent of the sales share in dollars, but craft brewers are growing rapidly in sales and market share, with a 10.3 increase in sales last year, despite a recession. They are a shining example of independent American businesses reaching great levels of success by creating and selling unique, high-quality products.

This industry does much more than simply good business. Craft brewers are often fixtures in local communities, participating in community events and philanthropic works. They promote responsible alcohol consumption and raise awareness of the dangers of alcohol abuse.

And so, Madam Speaker, I thank the gentlewoman from Colorado (Ms. MARKEY) for introducing this measure. And I also thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to join me in commending our country's craft brewers by supporting this measure.

I reserve the balance of my time.

□ 1645

Mr. BROUN of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1297, recognizing and supporting the goals and ideals of American Craft Beer Week. The small and independent American craft brewing industry is making an increasingly valuable and substantial contribution to the American economy. Currently, the industry provides an estimated 100,000 jobs, and craft breweries are located in every State of the Union.

Not only are craft brewers responsible for providing a variety of quality, local jobs, they are responsible for the increased enjoyment and pleasure of craft beers, while customers discover the intricacies of aroma, color, body, and other variables in the beverage that makes it pleasurable to drink. These craft breweries also support American agriculture through purchases of barley, malt, and hops grown, processed, and distributed in the United States.

In addition, craft brewers are in the forefront of educating people about responsible drinking and the prevention of alcohol abuse, as well as supporting programs created to prevent underage drinking. If Benjamin Franklin were with us today, perhaps he would revise his famous statement where he said, ''Beer is living proof that God loved us and wants us to be happy.'' He might preface it with the words, ''American craft.''

I ask my colleagues to support this fine example of American entrepreneurship, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, it looks like George Washington, Thomas Jefferson, Ben Franklin all had something in common in addition to being the Founders of our country. They also liked their beer.

Ms. MARKEY of Colorado. Madam Speaker, I rise today to ask my colleagues to join me in celebrating American Craft Beer Week, May 17 through May 23, 2010. This is a week to celebrate the many accomplishments of craft brewers and home brewers across the nation.

After Prohibition destroyed local and regional breweries around the United States, it took approximately half a century before the American craft beer industry grew to offer so many distinct beer brands and styles. Until this resurgence, beer lovers had few options to choose from and even fewer options when looking for American-made beer.

Today, American Craft Brewers are brewing smaller batches of quality beers using traditional methods but innovative recipes. Craft brewers in this country create ales, lagers, and porters rivaling the best from around the world. American craft beers have won many international taste and quality competitions. I even know of one small brewer in my district whose fastest growing export market is Belgium, a nation well known for its own beer.

Colorado's Front Range is home to six of the country's 50 largest brewers, a concentration of quality brewers that has led some to dub the area the Napa Valley of Beer. These small businesses have created brands well known nationwide and highly sought after by beer lovers across the globe.

In addition to creating quality beers, it is important to remember what craft brewers do for our communities. Craft brewers work with partners to promote the safe consumption of their products. Many are involved in philanthropic activities, helping to improve the communities around them. Further, many are pioneers in the use of alternative energy and other sustainable practices in their businesses, practices that are unique for a product otherwise manufactured in large industrial breweries.

In celebration of the many contributions made by these small businesses, American Craft Beer Week is a wonderful time to bring more focus to the craft brewing industry. Across the nation, celebrations of this week are taking place in breweries, brewpubs, alehouses, and homes.

To sum up the importance of America's craft brewers, I think it best to quote a few lines from the Brewers Association's Declaration of Beer Independence:

"I declare that these are historic times for beer, with today's beer lover having inalienable rights, among these life, liberty, and the pursuit of hops and malt fermented from the finest of U.S. small and independent craft brewers with more than 1400 of them brewing today . . ."

"I declare American craft brewers provide flavorful and diverse American-made beers in more than 100 distinct styles that have made the United States the envy of every beer-drinking nation for the quality and variety of beers brewed. I declare that beer made by American craft brewers helps to reduce dependence on imported products and therefore contributes to balanced trade, and . . ."

". . . the makers of these beers produce libations of substance and soul that are sincere and authentic, and the enjoyment of them is about savoring the gastronomic qualities including flavor, aroma, body, and mouthfeel, while practicing responsible appreciation."

I encourage my colleagues to support this resolution celebrating May 17 through 23 as American Craft Beer Week and I encourage responsible beer lovers everywhere to enjoy one of the thousands of craft beers brewed across the United States.

Mr. BLUMENAUER. Madam Speaker, America has a long and rich tradition with beer. Many of America's Founding Fathers—including Sam Adams, Thomas Jefferson, Benjamin Franklin, George Washington, and James Madison—who attempted to establish a "Secretary of Beer" as part of the new nation—were all avid small brewers. Thomas Jefferson built a brewery in his kitchen at Monticello and Benjamin Franklin famously wrote that "Beer is proof that God loves us and wants us to be happy."

I have the distinction of serving as a representative from the state of Oregon, which is one of the most enlightened states when it comes to beer. Oregon craft beer represents 3.8 percent of the total volume of beer brewed in the U.S.

Oregon is the second largest producer of hops in the country and the birthplace of the Willamette hop, giving us the IPA and now, the Cascade IPA. The city I represent, Portland, has 33 breweries, more per capita than any city in the world. These breweries provide an economic boost of over $2.3 billion to the region, promote local agriculture and provide opportunities for social interaction within the community.

Most importantly, the craft brew industry is an engine of job creation. America has over 1500 small brewers. The small brewers in my state employ more than 4,700 individuals while struggling with the higher costs for production, raw materials, and packaging than their larger and in many cases foreign owned competitors. They also operate in one of the most highly regulated business sectors. In spite of this, they are important economic generators in their local communities, avid promoters of our agricultural economy, and tireless in communicating the history and traditions of brewing and the message of responsible enjoyment of their craft made lagers and ales.

I would be remiss if I did not use this time to urge my colleagues to join the Congressional Small Brewers Caucus. The caucus meets regularly to not only celebrate the craft beer industry, but to educate our colleagues on the regulatory challenges these vital small businesses face every day.

I want to thank my colleagues for bringing this resolution to the floor and urge their support of the resolution and of the craft brewers in their district.

Mr. DAVIS of Illinois. I urge support of this resolution and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING ROBERT KELLY SLATER ON SURFING ACHIEVEMENTS

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 792) honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing and for being an ambassador of the sport and excellent role model, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 792

Whereas Robert Kelly Slater was born on February 11, 1972, in Cocoa Beach, Florida;

Whereas Kelly Slater learned to surf in Cocoa Beach, Florida, with his brothers, Sean and Stephen;

Whereas Kelly Slater was a perennial amateur champion in the 1980s, winning 6 Eastern Surfing Association titles and 4 national titles;

Whereas, in 1992, at the age of 20, Kelly Slater was the youngest surfer to win the Association of Surfing Professionals World Championship;

Whereas, between 1992 and 2008, Kelly Slater was a 6-time winner of the Billabong Pipeline Masters, a competition held annually for the 45 top-ranked surfers by the Association of Surfing Professionals at the Banzai Pipeline in Oahu, Hawaii;

Whereas, between 1994 and 1998, Kelly Slater won 5 consecutive Association of Surfing Professionals titles;

Whereas, in 1995 and 1998, Kelly Slater won the Triple Crown of Surfing, the Reef Hawaiian Pro at Haleiwa Ali'i Beach Park, the O'Neill World Cup of Surfing at Sunset Beach, and the Billabong Pipeline Masters at the Banzai Pipeline;

Whereas Kelly Slater was inducted into the Surfers Hall of Fame in 2002;

Whereas, in 2002, Kelly Slater won the Quicksilver in Memory of Eddie Aikau at Waimea Bay in Oahu, Hawaii, a competition that occurs only when waves reach a minimum height of 20 feet;

Whereas Kelly Slater was the 1st surfer ever to be awarded 2 perfect scores in the final heat of the Billabong Tahiti Pro Contest under the Association of Surfing Professionals 2-wave scoring system;

Whereas Kelly Slater won an Association of Surfing Professionals World Title in 2005, 7 years after his previous win in 1998;

Whereas, in 2007, Kelly Slater started the Kelly Slater Foundation to raise awareness and financial support for socially and environmentally conscious charities;

Whereas, in 2008, at the age of 36, Kelly Slater was the oldest surfer to win an Association of Surfing Professionals World Championship;

Whereas, in 2010, Kelly Slater won the Rip Curl Pro Bell Championship, making him a 4-time winner of this 49-year-old international surfing championship held in Australia;

Whereas Kelly Slater has 39 World Championship Tour victories;

Whereas Kelly Slater holds 9 Association of Surfing Professionals World Championships, a record number; and

Whereas Kelly Slater is surfing's all-time leader in career event wins: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Robert Kelly Slater for winning the 2010 Rip Curl Pro Bell Championship and for his other outstanding achievements in the world of surfing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair now recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 792 for consideration. This resolution honors Robert Kelly Slater for his outstanding achievements in the world of surfing.

H. Res. 792 was introduced by our colleague, the gentleman from Florida, Representative BILL POSEY, on October 1, 2009. It was referred to the Committee on Oversight and Government Reform, which ordered it to be reported favorably by unanimous consent on May 6, 2010. This measure enjoys the support of 60 cosponsors.

Madam Speaker, Mr. Slater has accomplished a great deal in the world of amateur and professional surfing. As a teenager, he won six Eastern Surfing Association titles and four national titles. At the age of 20, he was the youngest surfer to win the Association of Surfing Professionals World Championship. He has won that title nine times in his career, another record. This year, he won the Rip Curl Pro Bell Championship for the fourth time, earning him yet another international title.

He is, in fact, the all-time leader in career event wins, but his accomplishments are not limited to tackling big waves. In 2007, he founded the Kelly Slater Foundation, an organization dedicated to raise awareness and financial support for a number of environmental and other charities.

Madam Speaker, Mr. Slater has achieved much in the world of professional surfing. Today we have the opportunity to congratulate him for his successes and to commend him for his charitable works. I thank the gentleman from Florida for introducing this measure, and I also thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to support its passage and reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 792, honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing.

A native of Cocoa Beach, Florida, Kelly Slater has been a dominant surfer since first learning how to surf during his childhood. As an amateur surfer, he quickly entered the spotlight, winning six Eastern Surfing Association and four national titles.

In the 1990s, he was already a household name. In 1992, he won his first Association of Surfing Professionals World Championship when he was only 20 years of age, making him the youngest person ever to win the title. From 1994 to 1998, Slater continued to rack up world titles. He won the world championship title five times in a row, for a combined nine championships. He has won more championships than any other surfer. In 2002, he became a member of the Surfers Hall of Fame.

In addition to his success in surfing competitions, Slater has appeared in commercials and television shows, as well as having a wide variety of surfing sponsorships. Throughout his entire career, Kelly Slater has continued to make surfing more popular as more people across the globe become aware of his expertise in the sport. He also created the Kelly Slater Foundation to raise money for major charities, such as the Cystic Fibrosis Foundation and the World Skin Cancer Foundation.

Madam Speaker, Kelly Slater has continued to excite surfers across the entire country and the world. I ask my colleagues to support this resolution to honor Kelly Slater's work.

Madam Speaker, I yield as much time as he may consume to my distinguished colleague from Florida (Mr. POSEY), the sponsor of this resolution.

Mr. POSEY. I thank the gentleman from Georgia for yielding.

Madam Speaker, I rise also to honor the surfing achievements of Kelly Slater. He is the dominant world champion of surfing. Last month, he became the Rip Curl Pro Bell Champion for the fourth time, adding to the 42 international championships he has won. He is unmatched, unparalleled in the world of surfing. Obviously, he is an inspiration to many.

Robert Kelly Slater grew up in Cocoa Beach, Florida, born there on February 11, 1972. He learned to surf on Cocoa Beach with his brothers Sean and Stephen. He routinely won amateur championships in the eighties, and six Eastern Surfing Association championships and four national titles.

In 1992, at the age of 20, Kelly Slater was the youngest surfer ever to win the Association of Surfing Professionals World Championship. He is a six-time winner of the Billabong Pipeline Masters. That's 1992 to 2008. The Billabong Pipeline Masters is a competition held annually at the Bonzai Pipeline in Oahu, Hawaii. Forty-five of the top-ranked surfers ranked by the Association of Surfing Professionals compete. Again, Kelly Slater's achievements there are unprecedented.

He won five consecutive Association of Surfing Professionals titles between 1994 and 1998. In 1995 and 1998, Kelly Slater won the surfing triple crown: the Reef Hawaiian Pro at Haleiwa Ali'i Beach Park, the O'Neill World Cup of Surfing at Sunset Beach, and the Billabong Pipeline Masters at the Bonzai Pipeline. In 2002, he won the Quicksilver, in memory of Eddie Aikau, at Waimea Bay in Oahu, Hawaii. Competition occurs there only when the surfing conditions have waves that are at least 20 feet high. He was the first surfer ever to be awarded two perfect scores under the Association of Surfing Professionals two-wave scoring system, awarded in the final heat of the Billabong Tahiti Pro Contest.

In 2005, Kelly Slater won an Association of Surfing Professionals World Title 7 years after his previous win in 1998. In 2008, he was the oldest surfer, at age 36, to win the Association of Surfing Professionals World Championship title. Kelly Slater has 39 Championship Tour victories. He holds the most Association of Surfing Professionals World Championships ever, a total of nine. He is surfing's all-time leader in career event wins and was inducted into the Surfing Hall of Fame in 2002.

As was mentioned, he has established the Kelly Slater Foundation. He did that in 2007. Its purpose is to raise money and awareness for existing social causes, as were previously mentioned, and also environmentally conscious charities.

Just a few words about Florida surfing. Florida has 1,350 miles of coastline suitable for surfing. Forty percent of east coast surfing occurs in Florida. There are over a dozen popular surfing areas in Florida's 15th Congressional District. Ron Jon Surf Shop was opened in Cocoa Beach by Ron DiMenna in 1963. Now there are three such stores in Florida, South Carolina, and Canada. The Cocoa Beach location is the largest surfing store in the world.

Kelly Slater is Florida's first surfing champion and, obviously, one of the greatest surfers of all time.

For those who may not be familiar with surfing as an industry, it is an important part of our economy. According to SIMA, that's the Surf Industry Manufacturers Association, even during recession and economic challenges, the surf industry remains resilient. It had $7.22 billion in sales in 2008 and considerable growth over the past several years. In 2009, Ron Jon Surf Shop in Cocoa Beach was named one of the 25 Best Independent Retailers by Business Week. Ron Jon employs 500 people and has over $50 million in annual revenues.

In conclusion, I state again that Kelly Slater's achievements are unprecedented. In passing this resolution, we are acknowledging his many wonderful achievements.

I want to again thank MAZIE HIRONO of Hawaii and over 60 other cosponsors that we have for participating in this resolution, and I urge my colleagues, each and every one, to support its passage.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank Representative POSEY for bringing surfing and for bringing Mr. Slater to our attention. Both are just unbelievable.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, it's been a pleasure sharing the floor with the gentleman from Georgia this afternoon, Representative BROUN. I want to thank him for his comments and urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr.

DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 792, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''Resolution recognizing and honoring Robert Kelly Slater for winning the 2010 Rip Curl Pro Bell Championship and for his other outstanding achievements in the world of surfing.''.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEINRICH) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2288, by the yeas and nays;

H.R. 4614, by the yeas and nays;

H. Res. 1327, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ENDANGERED FISH RECOVERY PROGRAMS IMPROVEMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2288, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2288, as amended.

The vote was taken by electronic device, and there were—yeas 264, nays 122, not voting 44, as follows:

[Roll No. 273]

YEAS—264

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Green, Al
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—122

Aderholt
Akin
Alexander
Austria
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Coble
Cole
Conaway
Crenshaw
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hensarling
Herger
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paulsen
Pence
Petri
Pitts
Poe (TX)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—44

Bachmann
Barrett (SC)
Becerra
Bilbray
Blunt
Boozman
Brady (PA)
Costa
Culberson
Davis (AL)
Diaz-Balart, M.
Dicks
Flake
Gerlach
Grayson
Green, Gene
Grijalva
Gutierrez
Hinchey
Hoekstra
Holden
Inglis
Jackson Lee (TX)
Kirk
Manzullo
McCaul
Melancon
Paul
Platts
Price (GA)
Putnam
Rahall
Rothman (NJ)
Rush
Sestak
Shuster
Sires
Souder
Thompson (CA)
Towns
Van Hollen
Wamp
Woolsey
Young (AK)

□ 1902

Mr. GINGREY of Georgia changed his vote from ''yea'' to ''nay.''

Messrs. BISHOP of Utah and SKELTON changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KATIE SEPICH ENHANCED DNA COLLECTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4614, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 4614, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 357, nays 32, not voting 41, as follows:

[Roll No. 274]

YEAS—357

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean

Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boustany
Boyd
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—32

Akin
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Campbell
Coffman (CO)
Conaway
Duncan
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Harper
Hensarling
Hoekstra
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lummis
Mack
Marchant
Miller (FL)
Neugebauer
Pence
Poe (TX)
Sensenbrenner
Shadegg
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—41

Bachmann
Barrett (SC)
Becerra
Bilbray
Blunt
Boozman
Boucher
Brady (PA)
Costa
Culberson
Davis (AL)
Diaz-Balart, M.
Dicks
Flake
Gerlach
Gordon (TN)
Grayson
Grijalva
Hinchey
Holden
Inglis
Jackson Lee (TX)
Johnson (GA)
Kirk
Manzullo
McCaul
Paul
Platts
Price (GA)
Putnam
Rahall
Rothman (NJ)
Rush
Sestak
Shuster
Sires
Souder
Thompson (CA)
Towns
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes in which to record their vote.

□ 1910

Mr. CANTOR changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING FLOYD DOMINY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1327, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1327.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 40, as follows:

[Roll No. 275]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher	Shea-Porter	Titus
Rooney	Sherman	Tonko
Ros-Lehtinen	Shimkus	Tsongas
Roskam	Shuler	Turner
Ross	Simpson	Upton
Roybal-Allard	Skelton	Van Hollen
Royce	Slaughter	Velázquez
Ruppersberger	Smith (NE)	Visclosky
Ryan (OH)	Smith (NJ)	Walden
Ryan (WI)	Smith (TX)	Walz
Salazar	Smith (WA)	Wasserman Schultz
Sánchez, Linda T.	Snyder	Waters
Sanchez, Loretta	Space	Watson
Sarbanes	Speier	Watt
Scalise	Spratt	Waxman
Schakowsky	Stearns	Weiner
Schauer	Stupak	Welch
Schiff	Sullivan	Westmoreland
Schmidt	Sutton	Whitfield
Schock	Tanner	Wilson (OH)
Schrader	Taylor	Wilson (SC)
Schwartz	Teague	Wittman
Scott (GA)	Terry	Wolf
Scott (VA)	Thompson (MS)	Woolsey
Sensenbrenner	Thompson (PA)	Wu
Serrano	Thornberry	Yarmuth
Sessions	Tiahrt	Young (FL)
Shadegg	Tiberi	
	Tierney	

NOT VOTING—40

Bachmann	Gerlach	Putnam
Barrett (SC)	Grayson	Rahall
Becerra	Grijalva	Rothman (NJ)
Bilbray	Hinchey	Rush
Bilirakis	Holden	Sestak
Blunt	Inglis	Shuster
Boozman	Jackson Lee (TX)	Sires
Brady (PA)	Kirk	Souder
Costa	Manzullo	Stark
Culberson	McCaul	Thompson (CA)
Davis (AL)	Paul	Towns
Diaz-Balart, M.	Platts	Wamp
Dicks	Price (GA)	Young (AK)
Flake		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes in which to record their vote.

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5015

Mr. CARSON of Indiana. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 5015.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1508

Mr. NADLER of New York. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1508, a bill originally introduced by Representative Wexler of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JOSHUA'S HEART FOUNDATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize two outstanding constituents from my district in South Florida: Claudia McLean and her 9-year-old son Joshua Williams who founded Joshua's Heart Foundation 4 years ago.

Next month, Joshua and Claudia will be honored by the Sodexo Foundation at its annual dinner right here in Washington, DC.

The Joshua Heart Foundation's mission is to work toward ending global hunger as part of an overall community effort. Once a month, Joshua's organization distributes food, in addition to feeding the homeless every week. They deliver food to the sick, the elderly and the helpless. Currently, food is provided for over 100 homeless people and about 450 families on a monthly basis.

Claudia and Joshua, I would like to commend you for your service to our community and indeed our Nation. Thank you for your dedication and your commitment to improving the lives of South Floridians in need.

PROTECTING THE INNOVATION AND JOBS IN THE MEDICAL DEVICE INDUSTRY

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, the medical device industry is a Minnesotan and American success story. The innovation it fosters means longer lives, healthier patients, good-paying jobs, and economic growth.

Just this morning, I attended a town hall meeting in Minnesota with the new head of the FDA's Center for Devices and Radiological Health, Dr. Jeffrey Shuren. Dr. Shuren and his team were in town to hear from device manufacturers, doctors and patients. I applaud his willingness and his team's willingness to listen.

As the FDA looks to the future, it is critical that it strikes the right balance—protecting patients from harm while not hindering the availability of lifesaving innovations. An uncertain, unpredictable approval process for devices could absolutely reduce options for patients down the road. We need to keep the innovation here. We need to keep the jobs here. We need to keep the technology and the patient care here in the United States. That's why we need an effective process that protects patients while fostering the innovation and economic growth that this industry provides.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

USE MORE STICKS, FEWER CARROTS WITH AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week's state visit did absolutely nothing to ease serious concerns about the leadership of Afghanistan President Hamid Karzai. Our counterterrorism strategy is supposed to depend on having a stable, responsive, transparent, democratic government that enjoys the confidence of the Afghan people. Instead, Mr. Karzai's government has proven itself to be irresponsible and ineffective in a way that jeopardizes his country's future and the safety of American troops. Karzai has lashed out at the United States, even threatening at one point to join the Taliban. And our own Ambassador to Afghanistan has publicly questioned his reliability as a strategic partner.

While we have no choice but to have a dialogue with President Karzai, it is critical that our approach to this relationship involve at least as many sticks as carrots. We owe the American people some assurance that we are not letting the Afghan Government misuse our tax dollars with impunity.

Mr. Speaker, the Center for American Progress has a new report that discusses the crisis of governance in Afghanistan. The government, it says, ''operates on a highly centralized patronage model in which power and resources are channeled through Karzai's personal and political allies. The system lacks the connection, the rules, and the checks and balances necessary to make leaders truly accountable to the domestic population.''

One of the allies, Mr. Speaker, referenced in the report is Karzai's brother, a thuggish political boss who rules Kandahar with an iron fist. There is evidence that he operates his own militia and is actively involved in the drug trade. The report goes on to note that our Afghanistan strategy has overemphasized the military solution and neglected the critical task of helping build viable state organs, especially at the local level.

In Marja, for example, we left no government infrastructure behind after the military cleared out the Taliban. Our single-minded focus on using hard power to vanquish terrorists just isn't working. The Taliban remains a potent political force; and the more government fails to provide basic services, the more likely are the Afghan people to rush into the arms of the Taliban.

The answer, Mr. Speaker, is the smart security platform. I have been advocating this smart security platform for years. Instead of a military surge which represents more of the same old failed policy, what we clearly need is an aggressive civilian surge.

□ 1930

We need to divert resources away from troop deployment and toward programs that will empower the Afghan people and bolster the capacity and competence of their government, a government that works for their people and with the international community.

At his press conference with President Karzai, President Obama said that ''Afghans are a proud people who have suffered and sacrificed greatly because of their determination to shape their own destiny.'' Mr. Speaker, that is undoubtedly true, and that's why they deserve better than government by cronyism, and American troops also deserve better than to shed blood for a corrupt and dysfunctional regime.

So, Mr. Speaker, it's time to bring our troops home and launch a smart security plan, and it's important that we do it today.

HONORING JUANITA WORSLEY WILLIAMS ON HER 98TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, there are not many Members of Congress that have the honor to wish a beautiful lady a happy 98th birthday, especially when the lady was present at his birth. Mrs. Juanita Worsley Williams, from my hometown of Farmville, lived next door, and she and her husband, Dr. Roderick Williams, were good friends of my parents. In fact, Juanita Williams assisted her husband in delivering me on February 10, 1943.

Juanita is the daughter of Lula Lee Blake Worsley and William H. Worsley. She was born in Rocky Mount, North Carolina, at Park View Hospital in 1912.

Mrs. Williams and her husband raised their children in Farmville and lived next door to my family for years. She was very good friends with my mother, and I often played with her children.

Juanita and Dr. Roderick Williams have three children: Nan Williams Gibson, Dr. Roderick Williams, Jr., and Lu Williams Leonard. She also has eight grandchildren and 10 great-grandchildren.

When Juanita's husband died in 1964, she began working at the Sam D. Bundy Elementary School as a secretary. She loved her job, and everyone loved her in return.

Friendship and community service have always been important to Mrs. Williams. She was very active locally and statewide in the Daughters of the American Revolution and Girl Scouts. She also organized the CAR, Children of the American Revolution, in our hometown of Farmville. Because of her love for the youth of our community, Mrs. Williams, who was also a devoted member of the First Baptist Church, participated in Sunday school, vacation Bible school, and youth fellowship meetings.

Mrs. Williams just returned from a trip to the Panama Canal. While there, she visited with nephews and nieces and had a wonderful time. Juanita was very pleased that the canal will be widened and not replaced.

Juanita Williams has given her life to making her community of Farmville a better place to live, whether it be by organizing the Meals on Wheels program or helping with the Girl Scouts. She is a true American who believes and lives the traditional values of placing God, home, and country first in her life.

Juanita Williams always has two wonderful things to say to everyone: ''I love you,'' and ''God bless you.'' She always says that her secret for longevity is love, love for others and love for God.

I'm truly honored to know such a wonderful lady and have this opportunity to honor her on this special day. I want Mrs. Williams to know how much she meant to the Jones family and that we love her.

May God continue to bless Juanita Williams, her family, and our country. And may God continue to bless America.

HONORING THE CHATHAM COUNTY COURTHOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of a resolution that was on the floor earlier which I introduced with my friend Congressman DAVID PRICE and which honors the historic and community significance of the Chatham County Courthouse in Pittsboro, North Carolina. I would like to thank Majority Leader HOYER, Judiciary Committee Chairman CONYERS, Subcommittee Chairman JOHNSON, and really the entire North Carolina delegation, each of whom helped bring this important resolution to the floor.

On March 25 of this year, a tragic fire struck and almost totally destroyed the Chatham County Courthouse, which has been a beacon of justice and the rule of law for over 100 years. Anyone who has ever driven through Pittsboro, around the traffic circle surrounding the courthouse, can attest to its beauty and how central its presence has been to the Pittsboro community, the county, and the State of North Carolina. The entire community rose to its defense as the fire blazed and even now is working to rebuild it. Thanks to the heroic actions of the firefighters, first responders, community leaders, and Chatham County citizens, I am confident that Pittsboro will again have a courthouse that the town and the county can be proud of.

I would like to particularly recognize some of the leaders who were instrumental in managing and alleviating this unexpected tragedy and really kept the building from being totally destroyed: Thomas Bender, who is the Chatham County fire marshal; Daryl Griffin, Pittsboro fire chief, and all of the adjoining fire departments that came to help; David Collins, Pittsboro police chief; Richard H. Webster, sheriff of Chatham County; Randy Voller, mayor of the town of Pittsboro; Larry Chisolm, Chatham County district attorney; Allen Baddour, superior court judge, Chatham County District 15B; and the entire Chatham County board of commissioners who rallied, who stood the streets, who brought the community together.

I ask my colleagues, as this resolution comes to the floor, to join me in honoring these North Carolina leaders and those who love the community of Pittsboro and the Chatham County Courthouse, a cultural icon and a landmark that will not easily be forgotten. By supporting this resolution, it will be rebuilt by the people of Chatham County.

IS PRESIDENT CALDERON HYPOCRITICAL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Mexican President Felipe Calderon says he thinks Arizona's new illegal immigration enforcement law will open the door to ''intolerance, hate, discrimination and abuse in law enforcement.'' Calderon's coming to the White House to talk to our President about it tomorrow. I wonder if they'll discuss whether or not Calderon supports his own country's immigration policy.

Mr. Speaker, writer Michelle Malkin recently published some really interesting research on Mexican immigration laws. The Mexican Government bars any foreigner from immigrating to Mexico if they upset ''the equilibrium of the national demographic.'' I wonder if President Calderon thinks that's racial or ethnic profiling. Mexican law further bars immigration unless a person enhances Mexico's ''economic or national interests.'' Immigrants are not welcome in Mexico if they're not ''physically or mentally healthy'' or if they show ''contempt against Mexico's national sovereignty or security.'' Imagine that.

Immigrants to Mexico must have squeaky clean criminal histories. And to apply for Mexican citizenship, immigrants have to show a birth certificate, and they have to provide a bank statement that proves that they are economically independent. In other words, you can't go to Mexico and live off the Mexican Government. And they also have to prove they can pay for their own private health care.

What are the penalties for failure to comply with Mexican immigration laws? Illegal entry into the country is equivalent to a felony punishable by 2 years' imprisonment. Document fraud is subject to fine and imprisonment; so is alien marriage fraud. Evading deportation is a serious crime in Mexico. Illegal reentry into Mexico after deportation is punishable by 10 years' imprisonment in a Mexican jail. Foreigners may be kicked out of the country without due process; that means without even being given a hearing. Mexico kicks out illegals without a deportation trial.

Law enforcement officials in Mexico at all levels, by national law, must cooperate to enforce Mexico's immigration laws, including illegal alien arrests and deportations. That means Mexican states must enforce federal law, interestingly enough, yet President Calderon is a hypocrite and indignant that the State of Arizona would enforce U.S. immigration law. The Mexican military is also required to assist in immigration enforcement operations. Imagine that. And native born Mexicans—this is interesting to me—are empowered to make citizens' arrests of illegals in that country and turn them over to the government.

In Mexico, get ready to show your papers. Mexico's national Catalog of Foreigners tracks all outside tourists and foreign nationals. A national population registry tracks and verifies the identity of every member of the population who must carry a citizens identity card, and visitors who do not possess the proper documents and identification are subject to arrest as illegals.

All of these provisions are enshrined in Mexico's General Law of the Population and were revealed for the world to see in 2006 in a research paper published by the Washington, D.C.-based Center for Security Policy. But there's been no public outrage from the open borders lobby for Mexican "comprehensive immigration reform." You see, pro-illegal alien free speech in Mexico is illegal. Under the Mexican constitution, political free speech by foreigners doesn't happen because it's banned. Noncitizens cannot "in any way participate in the political affairs of the country." They can't march in the streets in protest. Foreigners are barred in Mexico from participating in everything from education to even owning firearms. Foreigners in Mexico have severely limited private property and employment rights, if any.

Mexico has long been doing the job of illegal alien deportation, and it seems to me it's hypocritical of Mexico and President Calderon to criticize the United States or Arizona for enforcing our illegal immigration laws. They are far less severe than Mexico's illegal immigration laws. So when President Calderon comes here tomorrow to complain about America and America's illegal immigration policy, perhaps Calderon would prefer America adopt Mexico's immigration policies.

And that's just the way it is.

OIL SPILL IN THE GULF OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise this evening to speak about the unfolding catastrophe in the Gulf of Mexico. It's painfully clear that British Petroleum's oil spill could dwarf any environmental disaster in our Nation's history. This horrific tragedy has claimed 11 lives and contaminated gulf waters with millions of gallons of oil. It's still belching thousands of barrels of oil into the water every day, and now the oil has reached the shores of Louisiana. It's impacting the livelihoods of millions in the Gulf Coast States and threatens even more.

The first steps, of course, are to stop the leaks, contain the spill, and attend to the devastating aftermath on the people and their environment. The Obama administration deserves high marks for its swift response from day one to the BP disaster. It mobilized the government's resources to minimize the harm on the health, the economy, and the environment of the Gulf Coast.

Last week, the President sent to Congress legislation that would do three things: First, provide additional resources to mitigate the damage caused by the spill; second, provide assistance to the people and the businesses affected most by the crisis, and; third, to ensure that companies like BP that are responsible for oil spills are the ones that pay for the harm they cause, not the taxpayers.

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In addition, Interior Secretary Salazar is conducting a top-to-bottom reform of the Minerals Management Service. He has proceeded splitting the MMS into two distinct agencies: one responsible for leasing and collecting royalties; and one responsible for inspections and safety. He has also ordered immediate inspections of all deepwater operations currently in the gulf, and he announced that no new permits for drilling new wells will go forward until a safety and environmental review is completed.

Finally, the Obama administration is closing loopholes that allowed some oil companies to bypass critical environmental reviews, and is examining all of the environmental procedures on oil and gas activities.

While these are important and necessary steps, I believe that more must be done, and that's why I strongly support President Obama's announcement that he will establish an independent commission to investigate the BP oil disaster. This commission, which he will create by Executive order, will mirror legislation that Mr. MARKEY and I introduced earlier this month, the BP Deepwater Horizon Inquiry Commission Act.

I believe this commission should have four goals. First, it should examine the causes of the current spill, as well as the adequacy of oil spill containment and cleanup measures. Second, it should determine whether and how such spills can be avoided in the future. Third, it should assess the implications of its findings for drilling in, or adjacent to sensitive or ecologically important areas, including in the Arctic. And four, it should make recommendations on how to strengthen laws, regulations, and reform agency oversight in order to keep this from happening again.

This commission will serve as an important long-term addition to the Obama administration's excellent short-term efforts to investigate and respond to the oil spill.

Mr. Speaker, I have lived in Santa Barbara, California, since 1964. I saw firsthand the devastating consequences of the blowout on platform A just a few miles off our coastline in 1969. That was 40 years ago. That spill dumped millions of gallons of oil into the Santa Barbara Channel. It killed untold amounts of wildlife and polluted our beaches for years. But it also galvanized a burgeoning environmental movement, and it spurred the first Earth Day. It was true then, as it is true today, our response to this disaster cannot be that we simply have to keep drilling in the gulf and other offshore areas because we have no alternative.

The truth is we do have options that can move us further and faster toward energy security. Today our economy stills relies on fossil fuels for energy, and every day we pay a price in volatile prices, source instability, and in unnecessary pollution. The best way to beat this addiction is by reducing overall demand, by promoting renewables, and developing alternatives.

And since America is not exactly awash in oil, reducing our dependence on it would be good not only for our environment, but for our economy and, perhaps most importantly, for our national security. That's exactly what Democrats have done. We have enacted legislation, the Energy Independence and Security Act, and we have passed the Recovery Act to provide an immediate jolt to the clean-energy economy.

The House has also passed comprehensive legislation that caps global warming pollution and invests in clean-energy solutions that create jobs here in America. Developing clean power and energy-efficient technologies, while combating global warming, these are the initiatives that will meet our goals.

As bad as things are—and may yet become—the disaster in the gulf will be even more tragic if we fail to learn from it. Some of our colleagues continue to claim we have to choose between endangering our precious coast and relying on oil imports from dangerous regimes. I believe it is time to reject that false choice. Let's pass comprehensive energy legislation so America can take control of our energy situation.

THE FAIR TAX AND TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this year Americans worked almost 100 days, from January 1 to April 9, to pay taxes at the Federal, State, and local levels, which is more than one-fourth of their income. I believe that it is totally unacceptable to require already stressed families to give up such a high share of their income while bloated Federal bureaucracy continues to expand during a severe recession. To reduce this burden, Congress should now focus on reforming the current complicated tax structure which makes it so much more difficult for families and small business owners to experience economic recovery.

As I called for in my last speech on tax reform, the chairman of the House Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN), needs to schedule hearings on tax reform simplicity as soon as possible. The Fair Tax proposal is one of those ideas that I believe the committee must consider. The Fair Tax is definitely a serious proposal that is backed by many Americans, including so many constituents of my congressional district, and it deserves our full consideration.

The Fair Tax would replace all Federal income and payroll-based taxes with a national retail sales tax and includes a rebate to ensure that no American below the poverty level pays Federal taxes. If enacted, the Fair Tax proposal would provide a dollar-for-dollar Federal revenue neutrality. According to the proposal's advocates, the Fair Tax would reform the current tax code. Today's tax code is unfair, costly, and confusing, and is so complex that many of us pay more in taxes per year than we should. It is estimated that the present system costs taxpayers $265 billion for tax filing, tax record-keeping, tax reduction advice, et cetera, which is $900 for every man, woman and child in America. This is taxation without comprehension.

The current income tax code inhibits economic growth, it inhibits capital formation, and it inhibits job creation. Fair Tax supporters believe tax reform can correct these problems by greatly reducing the high cost of compliance in the present system while lifting the income tax burden on production. I believe that a fair and balanced look at the Fair Tax should begin the conversation on tax reform, and I encourage my colleagues who are serious about having this discussion to join me in contacting the chairman.

Congress needs to remember the sacrifices that are made by each American family by making a real effort at tax reform this year.

As the American economy continues to stagnate with a record 10 percent unemployment rate, Congress needs to respond by taking a close look at tax reform, and yes, the Fair Tax also.

SUPPORTING ESTABLISHMENT OF NATIONAL TEACHER DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of H. Res. 403, legislation I introduced calling for the establishment of a National Teacher Day. I believe it is important that we recognize the hard work of our Nation's teachers who prepare our students for a stronger America. The education of our children is critical to the future success of our country and our global competitiveness. And despite limited compensation and increasingly high expectations, our teachers rise to the challenge each and every day.

As the son of an elementary school teacher—my mom taught second grade, I was proud to introduce this resolution. My mother, and so many other teachers across the country, spend their lives working to inspire children and open their minds to new ideas so they can grow up to be successful in whatever path they choose.

I am sure that each and every one of my colleagues in Congress can identify at least one teacher from their past who made a difference in their lives. I know that I wouldn't be where I am today without the motivation and encouragement of teachers who challenged me to pursue my dreams of public service. This legislation also comes at an extremely critical time for our Nation's teachers. In this tough economy, State budgets are suffering, and it is important more than ever that we find solutions to budget challenges that threaten to cut academic programs and lay off good teachers to the detriment of our children and the future workforce of our country.

Rather than slash school budgets, increase classroom sizes, and stretch our teachers even thinner than we already have, we must work to keep good teachers in the classroom and incentivize more people to enter the teacher workforce. We cannot improve our education system in the United States if we don't invest in quality teaching as it is. That is why I have consistently voted to prevent massive statewide layoffs of our education professionals.

I would also like to thank my distinguished colleague, the gentleman from Illinois (Mr. ROSKAM) for joining me in introducing this important piece of legislation, and thank the overwhelming number of Members who have joined me in support of the establishment of a National Teacher Day.

Mr. Speaker, when you get a chance, thank teachers for the great work that they do.

STOP IRAN'S NUCLEAR DEVELOPMENT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the biggest threats to peace in the Middle East and possibly the whole world is for the United States and our friends and allies around the world to stop Iran's nuclear development program. We have been working for months and months to come up with a very strong Iran sanctions bill. The bill has finally passed the House and Senate, and because of the differences, we are in a conference committee. We have a very strong bill, one that will put extreme pressure on Iran and possibly avert a war in the Middle East. But now we are hearing that the bill is going to be watered down. It is going to be made weaker. If it is made weaker, that means the pressure will not be put on Iran that should be, and they will continue with their nuclear development program and we could be in a war in the Middle East that will far exceed what we have seen in Iraq and Afghanistan.

I want to read to you from a report that was issued just last week. "Iran has set up new equipment that will allow it to boost its efficiency at enriching uranium at higher levels. Iran's clandestine enrichment activities were discovered 8 years ago and have expanded since to encompass thousands of centrifuges churning out material enriched to 3.5 percent. But despite three sets of Security Council sanctions meant to enforce demands of a freeze, Tehran moved to a new level in February, when it set up a small program to produce material enriched to near 20 percent." And 20 percent can be used for a nuclear weapon.

The story continued, "But the move has increased concerns because it brings the Islamic Republic closer to the ability to produce warhead material. Uranium at 3.5 percent can be used to fuel reactors, which is Iran's avowed purpose for enrichment. If enriched to around 95 percent, however, it can be used in building a nuclear bomb. And at 20 percent, uranium can be turned into weapons-grade material much more quickly than from lower levels.

"The 20-percent uranium is being produced by 'a cascade'—164 centrifuges hooked up in series. The diplomats said that Iranian technicians had in recent weeks assembled another 164-centrifuge cascade, and the throw of a switch appeared ready to activate it to support the machines already turning out small amounts of near 20-percent uranium."

We don't know how long it is going to be before Iran has nuclear weapons, but we know it is not going to be too long. And every day we wait to put pressure on Iran is a day they are closer to developing nuclear technology that could start a war over there, obliterate our friends in Israel, and cause a major war that we will have to be involved with.

We get about 40 percent of our energy from the Middle East. And if a war breaks out over there and in the Gulf States, the Persian Gulf could be blocked, and we would lose so much energy we wouldn't even be able to run the lights in this place.

It is extremely important that we have a very strong Iran sanctions bill. I am on the conference committee, and I would say to my colleagues who are conferees, let's make it tough, as tough as possible, because the one thing we want to do is avert a major war with Iran in the Middle East. And I can tell you, I know Bibi Netanyahu, the prime minister of Israel, is not going to stand by and watch a weapon that could obliterate, destroy Israel, be produced right next door there in Iran. So it is important that the United States take the lead by coming up with a very strong bill that will put sanctions on Iran that they will realize will stop them economically if they don't stop their nuclear development program.

This is probably going to be one of the last chances we will have to stop a nuclear program in Iran that will develop a nuclear weapon and possibly cause a major war and proliferation of nuclear weapons throughout the Middle East. This is a very important time not only for them, in the Middle East, Israel and our allies, but it is a big, important time for the United States and all of our allies in Europe. We can't let a terrorist state like Iran get a nuclear weapon, and that is why we need to pass a very strong Iran sanctions bill, and we need to do it right away.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WELCOMING LOCAL LEADERS FROM DENTON COUNTY, TEXAS, TO THE NATION'S CAPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to recognize Denton County, Texas and members of the Denton County leadership delegation who are visiting here in Washington, D.C. this week. These local officials and business leaders understand that what goes on here in Washington affects their local communities. So this trip, this trip they make every 2 years, is a very important one.

Over the next several days, these individuals will meet with members of the leadership here in Congress, Senators and Representatives from Texas and across the country and, in addition, will find time to visit the soldiers at Walter Reed Army Medical Center.

I'm pleased to welcome members of some of the chambers of commerce and business associations of Denton County, along with several Denton County local officials to the Nation's Capital.

I also want to thank them for helping to make Denton County a place of entrepreneurship and economic opportunity.

Mr. Speaker, I will submit the names of the Denton County delegation for the RECORD.

Sandra Kathleen Beahm
Kent Collins
Patrick L. Davis
Andrew Thomas Eads
Ginger Ann Eads
Al Filidoro
Chuck Fremeux
Kelly Leigh Heslep
Cynthia Rae Howard
Claude E. King
Michael Leavitt
Dee Leggett
Tod Mahoney
Matthew McCormick
Tami McCormick
Scott Ran all McDearmont
Shannon McGary
Brandon McGary
William J. Meek
Stan Morton
Jody Smith
Suzene Thompson
Harold Dean Ueckert
Catherine Ann Ueckert
Charlotte Jeanette Wilcox

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ACCOMPLISHMENTS OF PRESIDENT OBAMA AND THE 111TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, tonight and beginning each week, we will begin the week talking about the accomplishments of both President Obama, as well as the Democratic leadership in the legislature. The efforts of the Democratic Caucus over the last year and a half, particularly since President Obama was sworn in have truly been remarkable. The efforts have been remarkable, but also the accomplishments.

And I think it's important that we continue to talk to the American people about those accomplishments, particularly when compared to some of the commentary that's out there in the media because, from watching some news programs, one would think that we were all here in the Chamber sitting in our chairs, fast asleep, as opposed to working and keeping our heads down and being very focused and working under the leadership of President Obama to make sure that we can turn the absolute nightmare that we were handed by the former Bush administration into the new direction that we talked about and that the American people elected us to take this country in.

And so tonight my colleagues and I are going to spend some time outlining those accomplishments. But I think it's important and instructive to first look at where we were, and then talk about where we are now. So that's some of what we're going to do this evening.

If you look back to January of 2009, which was the month, Mr. TONKO, that President Obama was sworn in, during that month the economy was yet again bleeding 700,000-plus jobs. And I think we have a chart here that I can use to illustrate that. But I think the most illustrative example of where we were, versus where we are today is this chart.

If you look back, this chart begins in December of '07, and you can see through the end of the Bush administration, Mr. Speaker, that the economy was steadily getting worse. We were bleeding jobs. By the time President Obama took office in January of '09, we literally were at 700,000-plus jobs lost, and that continued all the way up until February of '09 with the passage of the American Economic Recovery Act.

Now, I've heard a lot of malarkey in the news media out there, and particularly quite a lot from our friends on the other side of the aisle, about the supposed absence of job creation that the Recovery Act generated.

Well, the numbers don't lie, Mr. Speaker. If you look at the direction that job creation has gone in, and our economic recovery has begun, you look at the blue line beginning in February of '09 with the passage of the Recovery Act, and you progress all the way up where we were losing month by month fewer and fewer jobs; and we talked about how, obviously, any job losses are unacceptable, until we reached this most recent month in April. And I think actually this chart—it doesn't even, the numbers are even better, Mr. ALTMIRE, than we have on this chart. But this chart shows it up through March where we added 167,000 jobs.

In April, Mrs. DAHLKEMPER, we actually added 290,000 jobs in April. The vast majority of those were private sector jobs. We do know that we have some Census jobs that are temporary. But the point is that, as a direct result of the American Recovery and Reinvestment Act, we are moving in the right direction and beginning to turn the economy around. And I think it's incredibly important that we show the American people the results of our policies.

And, Mr. ALTMIRE, I'd be happy to yield to you.

Mr. ALTMIRE. I appreciate the gentlewoman yielding her time. And it's wonderful to have the opportunity to be here tonight to talk about the success of some of the actions that this Congress has taken on the economy.

I had a town meeting almost a year ago to the day. It was at the end of April in 2009, and there were a lot of folks there who were complaining about the vote for the Recovery Act, the stimulus bill. And I said to them at that time, look, I'll make a deal with you. How about we have this discussion today, but we also have this discussion a year from now. Why don't we reconvene and have a discussion about what has happened over the past year.

And so I would invite anyone who wants to have that discussion in this Chamber or across the country, let's take a walk down memory lane. And as the gentlewoman talked about, let's take a look at where we were at the end of April in 2009.

The 6-month period ending at the end of April 2009 resulted in an average monthly loss of over 600,000 jobs per month every month for that 6-month period. For that same 6-month period, ending at the end of April 2010, we have averaged over 100,000 jobs gained, including 290,000 jobs created in the month of April alone.

The stock market bottomed out in the middle of March 2009 at 6,500. Today, a little bit more than a year later, we're around 1,500.

Gross domestic product, the first quarter of 2009 was minus six. By the end of 2009, it was plus six, which was the largest calendar year turnaround in 30 years in this country. And we've now had three consecutive months of positive growth.

So the job market is exploding. Gross domestic product we're now likely in our fourth straight quarter of positive growth. The stock market has done quite well. And you might say, well, what does that matter? If you have a 401(k) in this country, if you have a retirement plan, as many people do in this Chamber and certainly in our districts, we care about that, and that's something our constituents care about.

And some other numbers that I took down before I came down here, the consumer confidence level rose in April, reaching its highest level since September of 2008. The consumer spending is up for the sixth straight month, surpassing the pre-recession levels. Manufacturing activity has increased for the ninth straight month.

And what I say to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and my colleagues from Pennsylvania and New York is all of that happened almost like precision clockwork at exactly the time that the Recovery Act bill passed, that turnaround. The gentlewoman, I'm sure, will show the chart again later and other charts that are similar. These numbers started to turn around exactly at the time that the Recovery Act began to take effect.

Another issue that we're going to talk about tonight, as was reported in the national media very recently with tax day having just passed, is that we have the lowest tax rate in this country in the past 60 years. It hasn't been since 1950 that the tax burden to the individual has been lower in this country because we, in this Congress, as part of the Recovery Act, cut taxes for 95 percent of Americans, 95 percent of families. I'm sure we're going to talk about that.

And all of these things didn't happen by accident. They happened because this Congress took a very difficult vote at a very important time for this country, and the success is there for everyone to see. So I'm proud to have cast that vote, and I'm proud to be here tonight to talk about it.

I would yield now to my colleague from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I thank the gentleman for yielding, and I thank the Congresswoman, my friend from Florida, for bringing us together tonight to talk about just the very positive signs that we're seeing in our economy, the positive signs that have really come from the policies enacted by this Congress over the past 17 months since I've come to Congress.

And I wanted to kind of go back to my colleague from Pennsylvania (Mr. ALTMIRE) when he was talking about the GDP numbers and this is, I think, just a great graph to show. You were talking about in 2009, the first quarter, we saw a drop, 6.4 in GDP, just over 6 points there. And that was prior to the President taking over and us just coming into our 111th Congress. And here, with the policies that we've enacted, this shows the fourth quarter of '09, almost 6 points increase. And you can definitely see the change in GDP in the final years of the Bush administration to the first year in the Obama administration and the 111th Congress, very stark numbers here showing the difference.

I think one of the most exciting things that I've seen is the manufacturing increases. And you mentioned that, Mr. ALTMIRE, the fact that we are seeing manufacturing increase in this country, the largest 10-month gain since 1997. And I think there's so many of us here who believe we've got to be making things in this country. And from western Pennsylvania, my colleague and I, and certainly from New York State and I'm sure from Florida too, we really come from a manufacturing base, and a base that hired many people and gave them a good living wage and produced great product here in this country, and we really have slipped when you look at the global economy in terms of our manufacturing base. And so to see those manufacturing numbers returning and growing stronger to me is very, very encouraging; 290,000 jobs, as was mentioned, created in April. Certainly a small portion of those from the Census, but it is estimated 231,000 of those were created in the private sector.

Looking back over the 8 years of the Bush administration, only 1 million jobs were created over those 8 years. During the President Clinton 8 years, 22 million jobs were created. So far this year, we've created 500,000 jobs. One million during the Bush administration; 500,000 so far this year.

Now, for all of us, losing any jobs is not good. And too many people are still out of work. But I see positive signs that really show that the policies we've enacted, particularly since the American Recovery and Reinvestment Act, have moved our country into a positive direction for those who have really been out there struggling.

And what I think is so exciting is the can-do attitude of American businesses and the American people that, when times are tough, the American people find a way through this, and we end up being stronger, more productive, more innovative, more creative, we diversify, and we find a way to get through this. That can-do attitude that Americans have certainly has worked well, along with the policies that we've had here in Congress in this last year and a half, moving this country from losing hundreds of thousands of jobs every month to gaining hundreds of thousands of jobs. The GDP levels that were dropping significantly are now on the rise.

And now I'd like to yield to my good friend, also a fellow freshman here in the Congress, Mr. TONKO.

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Mr. TONKO. Thank you, Representative DAHLKEMPER, and thank you, Representative WASSERMAN SCHULTZ, for bringing us together this evening to share the facts and just the facts, which I think is an important bit of exchange and messaging that needs to be done with the American public. And, you know, if you don't believe what you are hearing here, because perhaps you have been swayed by some very gloom-and-doom news info that's been coming your way, take the word from Fortune magazine of April 16 of this year.

On April 16, Fortune magazine reported that we have taken a sharp U-turn in the past couple of months and that there are better days for American businesses and workers just around the corner. Well, that's telling it like it is. And why? Because this House, the leadership of this House, the President and his administration, working together, we have enabled a very sharp, laser-type focus on American workers, on working families in this country.

And it's now that sort of priority that has been established here in the House of Representatives, working with the administration, to make certain that we crawl out of this economic recession, the Bush recession that gripped this Nation, brought this country to her knees economically, and now people have said, We will give you the keys; we will put you in charge. And there is a spirit of optimism that is obviously being expressed in consumer data that's being recorded now in the past several months where there is a swing upward.

As Representative WASSERMAN SCHULTZ pointed out in the V formation, that downward straight line of the V was under the Bush recession. And then as we swing upward, that upward straight line of the V is that blue portion of this graph that talks about the comeback. You know, it's mimicking a story of the past where under the Clinton administration 22 million jobs were created and under the Bush administration, 1 million. One million. So there is a stark difference there.

The policies that are being initiated here under the watch of President Obama and the leadership of this House have produced a track already that if it's extrapolated over the next 8 months, for a year's worth of data, we will surpass in 1 year what 8 years' worth of information tells us happened during those Bush years. And 8 million jobs lost. That goes beyond what the Great Depression produced for this country.

So I think that the spirit of optimism is driving the comeback. It's perhaps why that optimism spoke to those numbers of the new home sales. The home sales in March alone rose by 27 percent, a record month-to-month increase that goes back 47 years. So it's that sort of consumer confidence, the optimism, as you alluded to, Representative DAHLKEMPER, of growth in the manufacturing activity out there which is extremely valuable.

We see ourselves as a Nation that produces and responds to the needs of consumers out there. Any nation that wants to stay strong needs to grow its manufacturing sector. We are seeing that happen. So, so many of the indicators out there are suggesting that we are on that comeback trail. We are hoping it's a straight line comeback. We don't want any other format out there but a straight line.

We believe that as we go forward and continue to invest, and I believe that's the right word, invest in the American workers, in businesses, where we have not aligned and put the highest priority value to Wall Street banks, to credit card companies, to the insurance industry, to all of these efforts and the big oil companies; we have instead put our focus and our priority with American workers, working families, job creation and retention, and the numbers are there. They are beginning to show that the proof in the pudding here is that sound policies to turn the thinking around, to pull us out of the economic woes, and we can trail it. We are trailing it now, and the data speak for themselves.

So this is a great hour, a great opportunity to exchange the facts and nothing but the facts and allow people to understand that we are climbing upward with a spirit of optimism and confidence that's being marked by so many measurements out there that are to the good.

Ms. WASSERMAN SCHULTZ. Mr. TONKO, I really appreciate your comments. I know that the folks listening do as well.

Madam Speaker, I think one of the important facts that we need to talk about tonight, as well, is the stark reality that we are in an election year, and in a few months our constituents are going to have a choice. Elections are, after all, about choices. And we have an opportunity here to present the choice that the American people are going to have to make decisions on. They can go back to the ways of the last 8 years prior to President Obama's inauguration in which the tax-cutting policy in America was focused exclusively on the wealthiest few and the middle class was essentially left out of the discussion. There was absolutely no focus on making sure that middle class tax cuts and job creation, targeted tax cuts and job creation would be focused on the middle class.

I served in the minority and the majority during the Bush administration, and I can tell you that in neither 2-year period was there any discussion of how to get the middle class back to work, how to get small business back. Small business was never discussed under the Bush administration or the Republican leadership. Their focus was big business, corporate interests, as we saw with the collapse of Wall Street and, as a result, the collapse of our economy.

And now when, as President Obama said, we have come in, President Obama was inaugurated and he is trying to clean up the mess he was handed, the Republicans refuse to even grab a mop. I mean, he is here mopping away, and not only do they refuse to grab a mop, to quote President Obama, but they also criticize the way he is holding the mop. I mean, it's just really—well, it's nothing short of brazen behavior. There is an expression for it, but on the House floor I won't use that expression.

I think another important point, Mr. TONKO, that can't be overlooked is when I have been out there at home, I come from a State that does not have a manufacturing base. We are a service-based economy, a tourism-based economy, and our economy was quite focused and dependent upon housing. We had a tremendous bubble in Florida. The bubble burst, and now, because the housing market has not rebounded at the same rates as the rest of the economy, we are still struggling with a higher average unemployment rate.

You will hear our friends on the other side of the aisle, Mr. ALTMIRE, talk about, well, you can talk about all this fabulous job creation, but the unemployment rate still ticked up last month. Well, it's important to understand that the reason that the unemployment rate ticked up is because you have about 800,000 people who began looking for work again who had taken themselves out of the process because it was hopeless, because there was absolutely no chance of a recovery in their minds. And if they looked for a job, in their mind, it would have been pointless.

So in an odd way, it's actually a good thing in the short term that the unemployment rate ticks up a little bit, because we know the unemployment rate has been artificially a little bit lower because of the people who have simply not been looking for work. And now because, as Mr. ALTMIRE noted, U.S. consumer confidence in April reached its highest levels since September of 2008, we have an increase in the GDP, an increase in the manufacturing base, pending home sales up for the fifth straight month. All of these economic indicators are moving dramatically in the right direction. And as a result, we are going to be able to really begin to ramp up our progress, and it's very exciting.

I want to spend some time tonight talking about, besides the Recovery Act, the other things that we have been doing to really put small businesses back in the black, make sure that they can have an opportunity to make hiring decisions and add to their workforce.

With that, if the gentleman from New Mexico is ready, it's a pleasure to be joined by Mr. HEINRICH of New Mexico.

Mr. HEINRICH. Thank you. It's a pleasure to be here.

Madam Speaker, I just wanted to return to sort of where we were a couple of years ago when several of us who are joining you here tonight were running for Congress for the very first time. Mr. TONKO from New York, for example, another mechanical engineer, has only been around here for what is it, 14 months now, 16 months now? And Mrs. DAHLKEMPER from Pennsylvania as well, the gentlelady from Pennsylvania, we didn't run on passing the Recovery Act. None of us went to Congress because we were hoping to pass a Recovery Act. We did what was necessary to be responsible to clean up the mess that we were left with.

You can take the example of how the United States and this Congress has responded to this recession versus how a country like Japan, when it got into its last big recession, responded. They did too little too late, and as a result, they were left with 10 years of recession, a decade of job-killing recession, a decade of reduced tax revenues, when their competitiveness in the world was dramatically reduced because they weren't willing to stand up and to lead and do what was right.

So we passed the Recovery Act. And when you want to look back at history and judge what happened with this Recovery Act, as a mechanical engineer, rather than just listening to the rhetoric, I think it's very critical that we look at the data. And as you have shown here tonight, when you look at, well, let's take the stock market, for example. This graph shows what has happened with our investments over the end of the Bush administration and the beginning of the Obama administration and the leadership that this Congress showed.

It's incredibly important to realize that this isn't about Wall Street. This is about the people in my home State of New Mexico who are relying on their investments for their retirement. It is about the people who have their retirement accounts tied up in investments and their annual and monthly incomes. Whether or not they get to do anything besides pay the mortgage is dependent on the value in those accounts. And we saw a precipitous decline that took real wealth out of the pockets of people all across this country as trillions of dollars of wealth literally disappeared in a matter of months from our constituents.

After the Recovery Act was passed and the many other pieces of legislation that we passed to try and recover this economy, we have seen an increase in that value that you just can't argue with the data, between 10,000 and 11,000 in the Dow for the last month.

Mrs. DAHLKEMPER. Will the gentleman yield?

Mr. HEINRICH. Absolutely.

Mrs. DAHLKEMPER. I thank the gentleman.

The facts are what we are talking about tonight, and I just want to quote from Business Week, April 8, 2010. This is a quote by Mark Zandi, chief economist at Moody's Economy.com. ''When you take it all together, the response to the recession was massive, unprecedented, and ultimately successful.'' And that's what we are showing by the numbers here tonight.

Even the Obama critics, such as Phil Swagel, Assistant Treasury Secretary for Economic Policy under George Bush, acknowledged the White House policies have been successful. ''Their economic policies, including the stimulus,'' which I like to call the recovery bill, ''have helped move the economy in the right direction.'' And so the facts are what we are showing here tonight.

And I yield back.

Mr. HEINRICH. Thank you. And I think that's a perfect example.

You know, facts are stubborn things, and when you show these graphs, they don't lie. They tell a story of an economy out of control and how we have been able to turn that around and move it back in the right direction. And I think when you talk about the Recovery Act, it's important to realize that an enormous portion of the Recovery Act was about taxes as well.

If you look at the rhetoric versus the data on the whole issue of taxes, you see a very different story than the one you might hear in some of the national media or see on a placard at a Tea Party rally for that matter.

The USA today talked about how, Mr. TONKO, if you would be so kind as to hold this up, a headline, ''Tax bills in 2009 at the lowest level since 1950.'' We passed an enormous tax relief package as part of the Recovery Act so that people would have those hard-earned dollars in their pockets and put them to work for our Nation. And if you look at how much support we had to do that from our colleagues on the other side of the aisle, it was nonexistent, if you look at the work that we did for the homebuyer tax credit, which was absolutely critical to bringing back our housing market and construction jobs in this country.

□ 2030

I met a man named Julian Gomez who works in construction in Albuquerque, and he lost his job because of this recession. And he's back today swinging a hammer at New Life Homes, building homes in Albuquerque because of the financing that the Recovery Act made possible.

So I think it's incredibly important that we look at the facts versus the rhetoric.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield for a question?

Mr. HEINRICH. Absolutely.

Ms. WASSERMAN SCHULTZ. Does the gentleman recall how many of our friends on the other side of the aisle voted for the Recovery Act?

Mr. HEINRICH. Actually, I don't recall that exact number.

Ms. WASSERMAN SCHULTZ. I think it was none.

Mr. HEINRICH. I knew it was one of those numbers you could count on your hand.

Ms. WASSERMAN SCHULTZ. I think it was none. Goose eggs. And that was the Recovery Act that gave 98 percent of Americans a tax cut, the same one that created a situation where we have the lowest, as you said, the lowest tax bills, the lowest tax rate since 1950, the one that created a situation where the triangle that Mr. TONKO referred to a few minutes ago enabled us to go from bleeding more than 700,000 jobs prior to President Obama being sworn into office to gaining almost 300,000 jobs in this last month.

So we, on our side of the aisle, created, conceived, passed, and President Obama signed the Recovery Act into law, and our friends on the other side of the aisle all said ''no.'' Is that right?

Mr. HEINRICH. I believe you are absolutely correct.

Ms. WASSERMAN SCHULTZ. Okay. I just wanted to make sure that that was accurate. Mr. TONKO, do you have something to add?

Mr. TONKO. I do.

Representative WASSERMAN SCHULTZ, you talked about the comeback issue. One can't help but wonder what would have happened if these economic policies were continued to rule the outcome. If they had continued to rule the outcome, we would have probably hit the Great Depression level. And so I think the effort here is to bring in—it's not like we're excluding people from being part of this solution. But obviously, if we're not getting the support from the other side, we're going to continue to move forward with progressive policies and reforms.

And I think what is inspiring is that this Nation is replete in her history of people responding in the toughest times, responding with their greatest sense of courage and determination at a time when we have faced some of our toughest struggles. We saw that happen in the Depression. We saw a President lead this Nation out of that depression and bring people back to work and invest in a way that grew us to a stronger level than when the economic crisis began.

And certainly when we look at this, I believe that that history of this Nation, our history speaks to us in a very bold and noble measure to continue to pursue, to invest in a way that will create a stronger outcome. And we will put together an organized, structured, progressive bit of policies that will address and plan our future for this economic recovery.

I represent a district that is the home of the Erie Canal and that canal is a series, a necklace, I like to call it, of mill towns. And they were given birth to by the creation of this Erie Canal. But it showcased—my point of mentioning it here is that it showcased the pioneer spirit that's in the DNA of Americans where these mill towns became the centers of invention and innovation. And it gave birth to a westward movement that built this Nation and continues to allow us to express our manufacturing prowess.

Well, this package, the stimulus package, the American Recovery and Reinvestment Act, invested in America, in her workers, in her businesses, in her small businesses that was mentioned earlier, in a way that is now turning the picture around. It's that U-turn of which Fortune magazine speaks, wrote about it on April 16 of this year, that we are now seeing a brighter day; it's around the corner for business and workers.

And so in the toughest times we have shown our best outcomes. We have come together in a way that allows us to be constructive and instructive on how we're going to crawl out of a mess.

The important thing here is to please join in the effort. Don't thwart the effort, don't deny, diminish it. I see what we tried to do with America COMPETES as an act on this floor to grow the R&D investment, to allow us to compete effectively with China. And what do we have? We have an effort to diminish or deny that sort of progress.

So join us in the constructive efforts. Join us in building the solutions. But do not deny American workers for generations out the sort of solutions that will enable us to be our best in the toughest times, and that's what we're seeing here. The numbers are showing it. We're on a comeback. And it's interesting how history is repeating herself where we have this administration proving that they are going to invest—invest in technology, invest in broadband, communication, hardwiring of communities that are rural or impoverished, as in inner city neighborhoods, allowing us to invest in energy with smart grids, smart meters, smart thermostats, invest in our transmission and distribution systems. All of it is important.

Mr. HEINRICH. Will the gentleman yield?

I know the gentleman from New York, Mr. TONKO, knows a great deal about this whole issue of energy security and of creating a new energy economy. And when we passed the Recovery Act, we made this single biggest investment in changing our economy to a clean energy economy ever in the history of this country.

And I saw it directly. I went out to a company called Ktech that's at the Sandia Science and Tech Park in my district, and they are using Recovery Act grants to figure out new ways to store energy and to seam together a new grid that includes putting renewables into the system, unique storage devices, and how to manage all of that so that our entire grid is more secure and so that we can put people back to work in those new energy technologies.

And I'd yield back to Mr. TONKO or Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I thank both gentlemen.

Again, I think it's really important to stress the choices that we have in front of us. The American people have choices over the next few months about the direction that they want to go, whether they want to continue to go in the direction that the job creation chart that we just had up showed, whether they want to continue to go in the direction of the tax rate chart that Mr. HEINRICH just had, or whether they want to go back in this direction because this direction shows us the history of Presidents and the deficit situation that the United States has been in under each President.

So if you look at President Reagan, under President Reagan we had a $1.4 trillion deficit. Under President Bush 41, we had a $3.3 trillion deficit by the end of his Presidency. Then President Clinton was in office for 8 years and finished his second term with a $5.6 trillion surplus—a record surplus which he handed over to President Bush 43, who, in a very short period of time, handed off to President Obama an $11.5 trillion deficit. And that's because his focus was not on targeted tax cuts for the middle class, not on creating jobs and wealth for small business, not on making sure that we could focus on educational opportunities for our Nation's young people and focusing on investments and innovation and technology and energy, and particularly alternative energy—those weren't the focus of the Bush administration. Their focus was on the wealthiest Americans, the whole notion of trickle-down, which didn't work under President Reagan and clearly, as you can see, as big a red box as you are looking at here on this chart, didn't work under the Bush administration either.

So the choice that the American people will have is to go back to big red boxes like this one and continue to bleed jobs, bleed money, and move in the wrong direction, or under President Obama and the Democratic Congress, continue to focus on job creation, on opportunities for young people, on investments in alternative energy, on weaning ourselves off dependence on foreign oil. I mean if what's going on in the Gulf of Mexico today doesn't prove that we need to do that, I don't know what would.

But those are the choices that the American people have.

But our friends on the other side of the aisle have choices, too, Mr. TONKO. They have choices, and they've repeatedly made them. They've repeatedly showed which side they're on. They've showed that they are not on the side of the American workers struggling to be able to get back to work and find a job. They've showed that they're only interested in coming back to power, and it's all—unfortunately, sadly, my observation is that that is the only thing that they care about, winning elections and focusing on power.

Their agenda is tough to identify because other than siding with Wall Street, with big banks, with big corporations and the wealthy elite in this country, that's really the only side that I have been able to see that they appear to be on. Their voting records demonstrate that, and I think we have a pretty stark choice that the American people are going to be able to make come November.

Mr. TONKO. Absolutely. And thank you again for bringing us together this evening. It's a pleasure to join with our colleague from New Mexico and you from the State of Florida to really share these regional observations because it's happening across the country.

Just yesterday I was at a community that I represent, a small town, a small city, that is utilizing Recovery Act moneys to produce photovoltaic—to install, I should say, photovoltaic panels at their senior center, at their firehouse, and improvements in energy efficiency at their city hall. This translates to, like, $65,000 worth of savings per year. Who does that affect? The property taxpayer.

So it's property tax reduction simply by creating jobs and reaching to innovation. That's the beauty of the investments made here. It's not about special interests, it's not about going to the big oil companies and the big Wall Street banks and going to the insurance industry and the like. It is a reform package that talks about long overdue investment.

My gosh. We look at China and her investment in a clean-energy economy, and if we don't understand that we need to be in this global race to win it, we understand I hope—we show it here in this leadership, in the majority, the Democratic majority in the House—that we understand by our actions that whoever wins this global race on clean energy becomes the kingpin of the global economy. We will be the exporter of energy innovation and intellect. These are jobs that will grow, just like we saw technology grow when we won the space race four decades ago.

Mr. HEINRICH. Will the gentleman yield?

Mr. TONKO. Representative HEINRICH, I believe you want to join in.

Mr. HEINRICH. Once again, I think you're painting this picture of contrast of leadership. And the important question here is asking whose side are you on. And our colleagues on the other side are busy protecting BP and making sure that we have a BP bailout, to make sure that their damage cap doesn't get raised. And we're passing legislation like the Recovery Act that invests directly not only in renewable energy, but in energy efficiency to make us more and more energy independent as a Nation.

And I remember in asking whose side am I on, I spent some time at a gentleman's home just a couple months ago named Juan DeLeon whose house is being retrofitted with some of these Recovery Act loans to put insulation in the roof, to have high-efficiency appliances. And for someone who is low income, fixed income, in retirement, they literally see their bills change in a way that gives them economic freedom and independence for the first time. You know, we're standing up for homeowners like that. Retirees. People who've worked their whole life but who are throwing away huge amounts of money every month on their energy bills, and our colleagues on the other side are standing up for corporations like BP.

Mr. TONKO. You know, when I spoke of the small town, the small city that we shared in the good news with yesterday, the city of Waterbury in Albany County in Upstate New York, that is one expression of what could be repeated, is being repeated over and over again with municipalities in this country.

□ 2045

Then you put that into the business sector and the energy efficiency improvements they are making with the stimulus activity. You talk about households where we put $5 billion into weatherization programs to again create stronger energy environments within which to live. No family should be asked to live in poor energy environments. They are wasteful. Those are wasteful situations in terms of energy supply and dollars that are expended.

So when we look at the track record here, you talk about whose side are you on, we are looking at over one-half million jobs created since December, 84 percent of which were in the private sector category.

When we look at tax relief, we are not talking about just the upper income strata that was the situation for the Bush administration, but now we are talking about 98 percent of Americans getting relief, to the point where tax bills are at their lowest level since 1950.

So we are talking about a whole different approach, a whole different attitude. And it is embracing the bigger landscape, the people-scape of America, where the masses are brought into consideration and the priority is with the working families. Main Street and side streets come before that Wall Street situation. Wall Street recklessness created Main Street joblessness, and that thinking is over.

That huge red block pointed to by Representative WASSERMAN SCHULTZ is now a situation that meant two wars, off-budget; it meant a doughnut hole, give it to the insurance industry in the Medicare program area. It meant all sorts of tax cuts to the few in society. That was economic ruination. And, now, this swing upward didn't just happen. It took straightforward thinking, it took laser-sharp focus, it took sensitivity to those who were bearing the brunt here.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, because I want to focus on results.

We have been talking about the facts tonight. We have been talking about the impact and results of Democratic policies, the policies of the Democratic Congress, the policies of Democratic President Barack Obama, and the results that have occurred. And I think this chart right here is very illustrative of the direction that we continue to go in.

If you look at the very ugly red end of the chart, that is an indication of where we were in terms of household wealth under the Bush administration. And if you look through those years, we had household wealth that dramatically, dramatically declined, so much so that people were in absolute dire straits. So we had an economy that was reeling, spiraling ever downward; we had deficits that were exploding from a President who was handed a record surplus, and that was the mess that President Obama found himself in.

The additional mess that he found himself in was a plummeting statistic of household wealth. If you look at the progress that we have made and the direction that household wealth is going in now, as evidenced by the right side of the chart, you have an indicator that, since the Recovery Act took effect, we have gained nearly 30 percent back of household wealth that was lost under the Bush administration, $5 trillion in growth in household wealth, compared to $17.5 trillion in household wealth that was lost. We have gained in just 1 year $5 trillion of that back.

Mr. TONKO. If the gentlewoman would yield, what the Representative is pointing to in the red is 18 months' worth of activity, $17.5 trillion worth. That is $1 trillion per month.

Ms. WASSERMAN SCHULTZ. Again, Mr. TONKO, we talk about choices. This is as stark a choice, Mr. HEINRICH, as we can illustrate.

We could go back to policies that got us in the ditch in the first place and give the keys back to the people who drove us into the ditch; or we can hold on to the keys that we wrested from them in November of 2008 and continue to drive this economy in the direction that the American people want it to go.

Mr. TONKO. And obviously the decline did not happen overnight. We saw that there were months upon months upon years of activity that really did not respond favorably to the needs of America's consumers, America's business community, in particular her small business community.

So the huge climb back of 30 percent recovered, recaptured, $5-plus trillion, maybe $6 trillion, at this point is a remarkable comeback in a relatively few short months. So this is the start of a comeback, and it certainly is not good enough. We want more. We want more good news. But to keep the direction afloat, to keep the momentum rising means to allow for the progress to continue.

And I believe it is very obvious that with the control here in Congress and in the White House, there is a serious desire and design to produce this comeback that was so desperately needed and in a way that is remarkably sound, in investing in issues and areas of activity that were back-burnered for far too long. They held back progress. And now, not only are we producing jobs, producing relief, strengthening confidence, growing the economy; we are doing it with an investment in futuristic outcomes where we are dealing with cutting-edge opportunities in R&D and basic research and job creation in activities from trades to Ph.D.s. This is the full spectrum. This is the beauty of this innovation economy. But at least there is a leadership that gets what needs to be done and is in fact impacting favorably the outcomes here.

Mr. HEINRICH. And as you mentioned, we have a long way to go. We are just getting started trying to rebuild after 8 years of disastrous policies, the recession the likes of which we haven't seen since the Great Depression. But if we can stay on this path, if we can continue to grow these job numbers like the strong job numbers that we saw in March and April; if that trend can continue for the rest of 2010, we would see more jobs created in 2010 than the entire Bush administration, the entire 8 years of the Bush administration. And that is where we need to be headed as a Nation.

We need to keep seeing that line of wealth in the average American family going up, up, up, not going down the way it did continuously during the Bush administration. And it really is about that contrast of responsible leadership versus policies that continue to put our Nation at a competitive disadvantage, not only our families, but versus countries around the world.

Ms. WASSERMAN SCHULTZ. I am thrilled that we are joined by the gentleman from Ohio. He might still be getting organized. So while he does that, I wanted to focus a little bit.

The American Recovery and Reinvestment Act clearly is sort of the jewel in the crown, the linchpin to the beginning of our economic recovery, and all the indicators demonstrate that. But it is sort of a ''but that's not all'' type thing.

We had the Recovery Act, which gave us a huge boost, but we also passed and continue to propose numerous pieces of legislation designed to focus on different aspects of the economy: small business, the energy sector, technology and innovation, making sure that we cover as many bases as we can, because we know that there are so many potential gaps in the economy and you don't want to leave anybody behind.

So in addition to the Recovery Act, Madam Speaker, we also passed the Worker Home Ownership and Business Assistance Act, which was legislation that expanded that first-time homebuyer tax credit and gave people an opportunity to purchase a home when they had been unable to previously, provided that tax relief for small businesses.

Mr. HEINRICH. If the gentlewoman would yield for a question. How many of our colleagues pitched in on the other side of the aisle and said, We are going to support that kind of tax relief?

Ms. WASSERMAN SCHULTZ. I am glad you asked. I believe it was approximately 93 percent of Republicans voted against that legislation.

Mr. HEINRICH. So just 7 percent actually said, We are going to be part of the solution?

Ms. WASSERMAN SCHULTZ. Yes.

So, again, it is about choices. The American people have a choice. It is a very stark contrast. They can side with the people who voted 93 percent in this instance with Wall Street and big corporations and continuing to pad their bottom line; or they can vote with the middle class and make sure that we can continue to boost small business and get our economy moving again and put folks back to work. It really is a very stark contrast with a very clear choice.

Mr. BOCCIERI. I thank the gentlelady from Florida for organizing this hour to talk about jobs and the economy and what the Democratic Caucus has been doing to try to put our country back on track.

Let me just say that I applaud all my Members for being here, because there is one singular issue that I hear over and over again in my Midwest district in Ohio: we need to be the producers of wealth. We need to build things here, not just move wealth. And that is why it is so important that we focus on putting our country back on track, creating jobs that can't be outsourced, investing in our green economy, investing in the infrastructure that is going to make our country energy independent, not only for the jobs that it will create, but because it is a matter of national security.

This Congress has gone on lightning speed with great work to try to put that message and drive that message home in Midwest States like Ohio.

And let me just say the fruits of what we have been trying to sow for the last several months here—and you hear the Just Say No crowd who get up and talk about how they are against everything. We know what they are against, but what are you for? Are you for putting people back to work in Ohio? Are you for growing our economy? Are you for putting our Nation on a path toward security, with lessening our dependence on foreign oil? Those are the things that we are standing for in this Congress, and we want them to join us. These answers aren't Democrat or Republican, they are not conservative or liberal. They are American answers that deserve American solutions.

So if you are just trying to score political points, if you don't believe that you should bet against America and Americans, then join us, because we want to put our country back on track.

Great things are happening in Ohio. We are starting to see the rebirth of our manufacturing sector after consecutive quarters of job loss and a stagnant economy that was handed to us.

I remind my colleagues, when we took over in 2009, in the 111th Congress, we were facing exploding deficits; $3.5 trillion was handed off to this Congress, two unfunded undeclared wars, an economy that was in free-fall. We didn't know where we were going to land. We had greed on Wall Street and banking chaos. This was a lot of work that this Congress had try to get our arms around, but we see that what we have been able to do is begin to put our country back on track.

Nine consecutive months of manufacturing growth, the best in the last 6 years, that's a strong message. And while we still need to do some work, and we have a lot of work to do on unemployment, this economy is growing again.

And let me just remind, you don't hear this on the conservative talk radio shows, you don't hear this on the conservative cable shows, but this is the reality of what the Congress has been dealing with: one Democratic President in the last 20 years, and we had a $5.6 trillion surplus that was turned into an $11 trillion deficit by the previous administration. You don't hear that talked about. You don't hear about the fact that we were handed a $3.5 trillion deficit just coming into office in 2009, but that is the facts and that is the reality.

I want to tell you that we are beginning to grow this economy and beginning to put people back to work. Just in my district alone, Barbasol Shaving Company is expanding, adding new jobs in Ashland, Ohio. We have the NuEarth Corporation in my hometown of Alliance, adding new jobs and expanding. Luk Manufacturing is expanding, $40 million investment. TekFor in Worcester ended up bringing back 200 workers. These are real jobs that affect real families in our community, and that's what we have got to champion.

Those are the things that we have been fighting for here in the Congress, and we want them to join us. We have a message to the Just Say No crowd: join us. Help us put America back on track. We need you.

Mr. TONKO. Mr. BOCCIERI is right on point. I believe that, to the messaging out there, there could be those critics that want to resort to phantom statistics. But when you look at what is happening out there, there is no denying that these bits of fact that we are sharing here this evening are all recorded, they are documented. And it is that sort of fact, not fiction, that will rule and guide the policies as we go forward.

The fact that factory orders have increased by the largest amount in more than 9 years is encouraging news. It is back to the point that Representative BOCCIERI made about people want to produce, they want to create, they want to manufacture in this Nation. And the fact that these factory orders are up beyond limits from 9 years back in recordkeeping is encouraging news. It tells us that there is confidence again, there is optimism that is ruling the day, and that the turnaround, that huge U-turn of which Fortune Magazine wrote is becoming more and more real in the lives of people. Car sales rising by 20 percent. That is so important to a region like that of Representative BOCCIERI that is so hooked to the auto industry. Upstate New York in many of its regional economies is directly linked to that auto economy and to the industry.

□ 2100

So a 20 percent rise in sales for automobiles is an important stat that we ought to look at.

So again, the repeated message here this evening—and again, Representative WASSERMAN SCHULTZ, thank you for bringing us together. The tone, the theme that we have talked about, Representative HEINRICH, is this wonderful opportunity to continue along the course of progress, or the reverse is to hand over the keys to those who drove the car into the ditch, and that pulling the car out of the ditch took quite an effort and it took a while.

We're not where we want to be yet, but we're certainly moving in steps forward and upward that are taking us to a new plateau and doing it in a way that is investing in American workers, investing in American business in a way that allows us then to compete more effectively in the global marketplace. That is a multitude of good that we have embraced in the policies that have been established and that are being put into place and then now are obviously working.

The proof is in the pudding, as they say. The facts, only the facts, that's what we need to share here. Forget the scare tactics. Forget the talk of doom and gloom. Let's look at what's happening, and let's embrace it with a spirit of optimism and with that tremendously characteristic sense of pioneer spirit that is part of the DNA of America. Americans, through all ages, have been about creating jobs and creating and discovering new opportunities. We won a space race four decades ago. We need to enter in boldly and armed to do what we can with this clean energy race that is global also.

Mr. HEINRICH. Well, I think we should show that one graph of jobs one more time before we wrap up here tonight, because there's nothing more important than, one, as you said, just the facts, ma'am, and actually looking at data and not rhetoric; and, two, nothing's more important than jobs. We've seen our stock market recover.

We've seen housing starts come back and those kinds of indicators, but what really matters to the American people are jobs; and that precipitous decline that we saw in the run-up to this horrible recession and the irresponsible activity that we saw within housing finance markets and within Wall Street and the reversal with the Recovery Act and new policies put in place by this Congress to jump-start manufacturing again, to jump-start real jobs where we design it in the United States, we build it in the United States, we install it in the United States, and we put more people back to work, and watching that line go up and up to where now we're finally adding jobs at the kind of rates that we need to turn our entire country around.

Ms. WASSERMAN SCHULTZ. And, Mr. HEINRICH, as we wrap up, we really want to talk about over the next weeks and months the choices that the American people will have. Over the next weeks and months, Madam Speaker, we'll be talking about those choices, the choice that the American people have to continue to go in the direction where we're nurturing our economy and helping it thrive or the direction that our colleagues on the other side of the aisle would take us, which is to strangle our recovery in the crib. That's a very stark contrast that we will be presenting to the American people over the next few weeks and months, and we look forward to it.

THE U.S.-MEXICAN BORDER

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Madam Speaker, I've been coming up here on the first day of each week that we're back in session to talk about the rule of law and how the rule of law needs to apply to those of us who serve here in Congress, those who serve in the administration, and that it is the glue that holds our society together. And if we, in turn, are going to circumvent the rules of law, then we, in fact, are chipping away at the very foundation of the American culture.

Today we're going to shift gears a little bit because we've talked a lot about what's going on up here and some folks that have had some problems following the rules, but I don't think we've ever seen a more glaring example of a violation of the rule of law and the failure to enforce the law than what is happening on the southern borders of the United States.

You see right here on May 17, 2010, Real Clear Politics, Threat on the Border with Mexico: Possible Terrorists Entering the U.S., and it's a picture of people climbing over a barrier, a very strange-looking barrier, to be honest with you. It's got a big hole in the middle of it. I don't understand exactly what it is. But we've had an issue, and those of us who have been in this Congress for a while have been very concerned, and I, in particular, have been very concerned about this situation down on the Texas-Mexico border, the New Mexico-, Arizona-, and California-Mexico border.

So I want to go back with you for a while to when I first went with parts of the Homeland Security Subcommittee of the Appropriations Committee to look at the border between Texas and Mexico. We've made trips. We've gone all up and down that border. I happen to have been on the one that was in my home State down on the border. I went with my colleague on the other side of the aisle, HENRY CUELLAR, down to Nuevo Laredo, Mexico, and Laredo, Texas, across the border. And we talked with the Border Patrol about their issues, and that was way back in, I believe, 2004, maybe 2005.

I sat out in the dark with a Border Patrolman along the banks of the Rio Grande with his surveillance equipment, and it was in the wintertime, but it wasn't cold. It doesn't get real cold down in that part of Texas. ''Cool'' would be the word. It was not a whole lot colder than it is right now outside in Washington, D.C. And he and I watched, I think it was, 2 miles in either direction of the border. Right there, right next to what I would call the city, because right across the road was a housing project, were apartments, were hundreds of people walking in the streets. It was 10 o'clock at night, and there were people everywhere.

I talked to him about the illegal crossings coming into this country, the danger. And it was a dangerous place. In fact, while we were on the bridge between Nuevo Laredo and Laredo, JOHN CULBERSON picked up a flattened bullet head slug, if you will, from probably a 9-millimeter or something like that, that had flattened out when it hit the bridge, the international bridge between Mexico and the United States. He carries it around in his pocket with him now to remind people that this is dangerous business that our Border Patrol is dealing with down there.

Well, since that time, international drug cartels have moved to the border of the United States, and they are fighting a border war just a stone's throw from the places where American citizens live up and down the border from Brownsville all the way across to San Diego, to Tijuana. The crime will take your breath away.

I spent 20 years in the judiciary. Many of my colleagues did the same. I have seen lots of crime. I have tried lots of cases involving horrible situations. But while we were down there on that trip with my friend HENRY CUELLAR, we saw pictures in the Nuevo Laredo newspaper of a woman who was the wife of a police official in Laredo who had been kidnapped and burned alive, and she had been set down in a business chair very much like these ladies sitting over here that are taking down the minutes or are recording the proceedings, sat in that chair, had three tires full of gasoline shoved down around her body, and she had been set on fire and burned up alive.

□ 2110

That was done as a threat to the police department in Laredo to either get in line with what the criminal element in Nuevo Laredo wanted to do or suffer the consequences. That was a shocking thing. I carried that back up here and showed it to our committee members. Some of them were ill from looking at it. And I pointed out that this is a lawless society we have created on this border.

Now I have a theory, and I think my theory is based on some pretty good police discoveries we have made over the last 25 years in police work. During the time when they cleaned up New York City and made it a safer place to be, they discovered, and this was the chief of police and the mayor, at that time it was Rudy Giuliani, that a bad criminal environment breeds crime. So if you have a neighborhood where there are old junk cars in the front yard, there is trash in the front yard, they haven't taken things off the stoop, broken windows, that is a neighborhood without pride, and the criminal element breeds in that neighborhood. But if you get the criminal element out of there, you get the criminality of that environment out of there, the neighborhood improves. And you put a beat cop there that allows them to know that law enforcement is there, law enforcement is involved, then the public can feel confident, and they start to take care of their neighborhood and in turn make the crime move elsewhere. And they cleaned up New York City with that basic theory. They went back to the old, walk-the-beat cop theory that came out of the 19th century.

Now, why do I mention that? Well, people say to me why do you think the cartels who were in Colombia and other parts of the country, why did they come and settle along the southern border of this country? I thought about it a lot. And it came to me that, you know what, lawlessness breeds lawlessness. So what were we creating on the border when we weren't enforcing some basic tenets of the law? We have laws that say you can't come into this country except legally. And millions of people, whether for good purpose or bad, and many, many for good purpose, I am not saying it is not, just for a job, but they were breaking our laws. And they were coming into this country. And where was this community of lawlessness? Along the Mexican border.

That community of lawlessness, which was just sneaking people into the country and people sneaking into the country so, as many will tell you, just so they can get a job to feed their families. Of course there was a little criminal element, and a little more criminal element, and all of a sudden we have estimates of four or five drug cartels from Central and South America fighting a drug war from Brownsville to Tijuana, from Matamoros to Tijuana on the other side of the border. Twenty-three thousand people have been killed in the last 18 months in that war across the border. Mexico has brought in every kind of resource that they can afford to bring in to try to stop this, but it is out of control and it is bleeding across the border into my State and the other States that border Mexico.

We are having a great conversation today in our country about a law that was passed by the State of Arizona. And I would argue that the State of Arizona, that law has a real clear message to the Federal Government: You know what, we have been waiting 10 to 15 years for anybody to realize how bad this is.

Now back in 2004 and 2005, we were beefing up the Border Patrol and pouring homeland security money into building fence. We had resources that were dedicated to trying to stop this flood, but the flood was still coming. But they were doing the best they could, and they were catching a million, million and a half a day, but the estimate was for every one that got caught, 10 got across. The flood was ongoing.

There are many reasons and faults you can lay upon that: employers were hiring these people and maybe they shouldn't; we didn't have a good identification system for people to know whether or not someone was an illegal alien in this country; and the argument goes on and on. But the reality was we were creating a lawless border from Matamoros to Tijuana. And that lawlessness drew in organized crime in the form of these cartels, and those cartels are slaughtering people, fighting it out on the streets. Sometimes gunfire is as prevalent on the border towns across the river from Texas as it is in Iraq or Afghanistan. Just recently, 35 people were killed in a shootout in Juarez, across the border from El Paso, in one day. Many of those were Federal officers of the Mexican federal police force and the army.

You say well, what does that have to do with us? Phoenix, Arizona, one of the places where a lot of folks up north go to get some warm weather in the wintertime, a really wonderful town. I have been there, it is a great town. It reminds you of a cross between the west of New Mexico and the west of California blending together there. It was a laid-back group of people. They enjoyed life. But now they are the kidnap capital of the United States. And it is not Americans kidnapping Americans, it is illegal people coming across our border and starting a big business of kidnapping people. They kidnap them and hold them for ransom, and if they don't get the ransom on time, they send them a hand or an arm, and ultimately maybe a head of their loved one to let them know that they didn't pay the money, and that is what happened to their loved one. We don't live with that kind of horror in this country, but there it is right there in Phoenix, Arizona. And that means that this lawlessness that exists on the border of this country, the southern border of this country, is bleeding over into the United States. We have got to do something about it.

So the Arizona folks, they wrote themselves a law. And they basically said, they basically defined some stuff that Federal officers have had the ability to do for a long time. And they talked about the fact that if Washington is not going to do something, we are going to do something to try to find out who these people are who are coming across our border illegally. We have international people talking about us. We have the United Nations talking about a law in Arizona.

Well, I want to throw something out, and I see the gentleman from Utah (Mr. BISHOP) is here. And I am happy to have my colleague and classmate to join me tonight. It pleases me to no end, but I want to start off this conversation by pointing out something. Mr. LAMAR SMITH, who serves on the Judiciary Committee, told to a group of us last week, a statistic that he produced, which is very eye opening. We are criticized by the United Nations. We are criticized by China. We are being criticized by Russia. We are being criticized by EU countries over there about our horrible immigration policy.

Over the past year, we have brought in legally through the legal process in this country over 1 million immigrants. By the way, that number and more has been going on for just about as far as you can look back in time and see in this country. More than 1 million came into this country last year. You say, why do I mention that? What is the big deal about that number? I have news for you, my colleagues, here it is: That number equals more immigration than all the rest of the world combined. So these people that are criticizing the United States and our citizens, who are acting like we should look to some others as example, there are no other great examples of people who welcome immigrants but the United States because the United States by itself welcomes more than all the rest of the world put together.

□ 2120

Now, that ought to make us stop looking at ourselves as evil people. We, through a legal process, bring in more immigrants to our country and welcome them to be law-abiding citizens and come here and help make our country what it's always been, the great melting pot of America; and we do it legally. And they wait their turn. They get in line. They fill out the paperwork. They pay the fees. They do all that it takes to get here legally, and they are legal immigrants, and there are more of them than all the rest of the world combined has in their countries, added together.

With that as our premise, that we are not evil people, we are people who care about immigrants, I'd like to yield such time as my friend, ROB BISHOP from Utah, would like to spend in discussing this matter.

Mr. BISHOP of Utah. I thank the gentleman from Texas (Mr. CARTER) for introducing this issue and yielding the time.

Madam Speaker and the gentleman from Texas, I think there are three terms I want to kind of emphasize over and over because it is the crux of the concern we have on our southern border: once again, it is illegal drugs. The bulk of the illegal drugs coming into this country are coming over on Federal lands in our southern border;

The second one is human trafficking. And all the violence, especially the violence against women that is assumed with that concept of human trafficking coming across our border;

And the fact that we have gaping holes in our border security, which is almost an open invitation for potential terrorists to come into this country.

Now, the same issue, I need to be very clear, of our southern border is a concern in our northern border. But for the purposes of discussion today, I want to talk about the southern border and those three concepts: illegal drugs, human trafficking, and potential terrorists coming into this country. Because the bottom line is, Madam Speaker, Border Patrol is working. They're doing a great job. They are successful in urban areas, which means that most of the illegal traffic, the drug cartels, the human traffickers, potential terrorists, are now coming in rural areas along our southern borders because simply it is much easier.

You can look at this map from California to El Paso, Texas. Everything that is colored is land owned by the Federal Government. Over 40 percent of the land along our southern border is Federal land. And 4.3 million acres of that Federal land is in wilderness category. This is the area in which we are having the illegal drugs and the human traffickers and potential terrorists coming because, flat out, it is easier to do that. And it's easier simply because our own Department of the Interior, which controls this land, to a lesser extent the Forest Service because they control lesser of the land, have simply placed as their number one policy for control of the land, realizing or protecting endangered species and wilderness categories, which simply means they are looking at the law very literally and, basically, hiding behind it.

And one of the documents sent by the Interior Department says, Federal agencies are mandated to comply with a variety of land use laws, and compliance with that law, meaning wilderness and endangered species, both insulates those entities and agencies from legal liability.

Now, what we're asking people to do is simply what I think should be common sense. But, unfortunately, the Interior Department and, to a lesser extent, the Forest Service, don't use common sense. They're hiding behind legal niceties.

We realize that Homeland Security, which is in charge of our Border Patrol, gets this point. I was reading in the paper just today of a farm in Vermont that is now under potential threat of eminent domain by Homeland Security to take it over to beef up our border security along the north, which is so ironic because in the south that same entity that wants to beef up the security in Vermont is prohibited by another agency of government to do so.

It is ironic because, as you see in this picture, this is part of the Federal land we have in the south, and you can there are vehicle barriers that are placed in this land. I want you to know those vehicle barriers are not to stop the drug cartels from coming in or the human traffickers. Those barriers are to protect against the Border Patrol driving into endangered species area and wilderness designation. It is to stop us from doing our job.

Now, once again, I'm trying to emphasize again, we're talking about the illegal drugs coming in here, the violence and human trafficking and the potential, once again, of terrorists coming into this land.

One of the eight entities along our southern border, and I read this in the paper on Sunday, it's the brown piece, if you can see it in Arizona—I hope I pronounce it properly—the Tohono O'odham tribe in Arizona, roughly about 70 miles of that border, recently participated for the first time, their tribal police and the FBI on Saturday of last week with the largest drug enforcement operation in tribal history.

What they said when they raided homes to stop illegal drugs from coming in is that no longer is the tribe satisfied with having a corridor for the drug cartel coming into this country through tribal lands. They were setting down a marker that the tribe was going to enforce the border against illegal drugs coming into this country, which is the exact same thing, the message that should be sent out, but unfortunately the Federal Government isn't. The Department of the Interior, Forest Service, are not sending that same message out. Instead, as was mentioned by the gentleman from Texas (Mr. CARTER), Department of the Interior is holding Homeland Security for hostage, demanding money.

Now, this is one of those strange coincidences. The Congress appropriates money both to Interior and to Homeland Security; and then all of a sudden we find negotiations between the two. Interior is demanding mitigation fees from Homeland Security. It's all coming from the same pot. Common sense would say we work that out ahead of time. But since 2007, at least $9 million have gone from Homeland Security over to Interior as mitigation fees. And apparently they have agreed to $50 million to do more than that, to try and protect these wilderness designations against incursion by Border Patrol because of all the damage they may do.

Look, this is where the irony takes place. This is the wilderness we are trying to protect by keeping Border Patrol out. The trash you see in here was not made by Americans visiting this wilderness area. It was not made by the Border Patrol trying to protect the border and security. It was made by the illegal drug cartels and, once again, the human traffickers coming through and leaving the litter behind. In our effort to protect the land, we are destroying the very land we are trying to protect. And once again, this is just, flat out, not common sense.

I could give you some quotes from Secretary Napolitano, a letter she sent out at one time. She said, One of the issues affecting the efficacy of the Border Patrol operations within wilderness is the prohibition against mechanical conveyance. The Border Patrol regularly depends upon these conveyances, and the removal of such advantage is detrimental to the ability to accomplish national security missions. While the Border Patrol recognizes the importance and value of wilderness area designations, they can have a significant impact on Border Patrol operations in border areas.

For example, it may be inadvisable for officers' safety to wait for the arrival of horses to pursue, for pursuit purposes.

One of the major challenges in deploying our SBInet technology to remote locations along the border is ensuring compliance with environmental regulations. Environmental regulations may be subject to varied interpretations, depending on what level of the agency or the organization is involved. The removal of cross-border violators from public lands is a value to the environment, as well as to the mission to land managers. That's what we should be doing.

Here is also where the human element comes in here.

□ 2130

2002, Park Ranger Kris Eggle was shot and killed while in the line of duty while pursuing a member of the drug cartel who had crossed into the U.S. border illegally through one of those areas.

In 2008, Border Patrol Agent Luis Aguilar killed in the line of duty after being intentionally hit by a vehicle that had illegally crossed into the United States through Federal lands again.

Rob Krentz, a long-time pioneer down in the Arizona area. This is an elderly gentleman who just had his back fused and had one hip replacement and was scheduled for another, so the ability to either fight or flee was not in his vocabulary. He was murdered along with his dog, once again by a member of the drug cartel who came across on Federal lands which prohibits the Border Patrol from going into those lands because of endangered species. And when the murder took place, he went a long, circuitous route to get back to Mexico, going once again through those exact same lands that are not open to the border security.

For example, I showed you the picture of the barricades. Well, this is the area in which the murderer entered this country and exited the country. Now, once again, those barricades are not to stop the drug cartels and the murderers from coming in. Those stop the Border Patrol from having mechanical access to these particular areas.

The Krentz family sent out a release that said, ''The disregard of our repeated pleas and warnings for impending violence towards our community fell on deaf ears that are shrouded in political correctness, and as a result we have paid the ultimate price for their negligence in credibly securing our border lands.''

Because this family came and testified before Congress in 2007, these are the words they told Congress at that time. ''The Border Patrol should not be excluded, nor should the national security of the United States be sacrificed, in order to create a wilderness area that is not even roadless, as required by law. It has almost produced a state of war on drugs. It is now too dangerous to hike. There are break-ins, high-speed chases, fatal and nonfatal shootings. The pristine areas of the proposed wilderness areas have already been trashed. Drug smugglers should not take precedence over honest, hardworking Americans who recreate and whose livelihood is damaged.'' They estimated $6.2 million in damage to their ranch and water lines because of illegal foot traffic.

And finally, they gave a plea that was not heard. ''We are in fear of our lives and safety and health of ourselves and that of our families and friends. Please defend the law and our rights. We live it. We have been refused legal protection for our property and our lives when dealing with border issues and illegals. We are the victims.''

Mr. Krentz is no longer here, once again, because we put a higher priority on the sacredness of the wilderness characteristic of land and endangered species than we did on simple common sense of controlling the border to stop the drug cartels, the human traffickers and the rape trees that go along with them, and the potential of terrorists.

A couple of weeks ago, once again, a deputy was wounded on wilderness land where he was forced to leave his vehicle and walk into the wilderness area, by the rules of how we handle this land, where he walked into an ambush, again by a drug cartel. He lives, but he was wounded for it.

We have an area down in Arizona called the Organ Pipe National Monument, one of those creations of executive fiat that we did so well with. Two-thirds of that national monument within the United States is off limits to Americans because we do not control it. The drug cartel controls that territory. We are talking about the sovereignty of the United States. We are giving it up along the southern border to the bad guys.

These are people who aren't picking tomatoes or milking cows. These are drug runners. These are human traffickers. These are people who create violence of unspeakable levels against women at all times. These are the potential terrorists. And we, because of our inaction, are giving up vast stretches of American property to the drug cartel so that not even Americans can go into these national monuments. There is no common sense. No rational person would ever say this should be our policy. But indeed, we have come to that particular policy.

I am very disgusted with our Secretary of the Interior who talks very good about this issue, but has yet to change the policies, and people are getting shot and killed down there. We mentioned the Arizona law. I think if the law that has been proposed by the ranking Republican on both Judiciary and Homeland Security and Natural Resources and myself, who is the ranking member on the Public Lands Subcommittee, if we were to have that policy, it would have eliminated a great deal of the fear and anxiety that was the primary motivation of this particular law.

If people realized the priority of this Congress and this Nation is to secure the border to stop the bad people from coming in, to stop the drug runners and the human traffickers and the terrorists, perhaps there wouldn't be the need to create some kind of State entity. But that's what we should be doing. And what is so sad in this Congress is during this past year both Houses of Congress have recognized that.

The Senate added language to an appropriations bill that said, despite our other rules, border security and the securing of our southern border will be the highest priority on our southern border. It was passed in the Senate, stripped in committee before it came to the floor, and therefore was not added to our law.

We here in the House took another bill, and on a motion to recommit, we added almost the exact same language; overwhelmingly passed here in the House in a bill that now sits in the Senate and is now going nowhere. Both Houses, bipartisan, have recognized that this is common sense, this should be our joint policy, but as of yet, we have yet to move forward on that.

Secretary Salazar at one time went to the southern border. We issued four challenges to him. I would like to reissue those challenges:

End the Interior Department's policy of having Homeland Security and Border Patrol having to gain permission for access to all territory;

Two, acknowledge that environmental damage and destruction is happening by all these illegal crossings;

Three, stop impeding the Border Patrol's access both electronically and on foot to these particular areas, and;

Number four, end the Interior Department's practice of extorting mitigation funds from Homeland Security.

Those are four things that could be done administratively and should be done administratively today. If we could do that, we would know that we would put a great dent on the illegal drugs that are destroying this country, the illegal violence that is taking place on that border, and the potential of terrorists, as we simply have gaping holes in our southern border—and, ironically enough, in our northern border—that need to be stopped simply by saying our number one goal in the southern border is to stop this illegal activity by securing the border. And after that, after that, then we can move on to other issues.

But if a nation is going to be sovereign, we must control all our lands and we must control our border. And there is nothing that should stop us from doing it. Common sense tells us that. Unfortunately, common sense is not the rule today. It must be the rule today.

I yield back to the gentleman from Texas.

Mr. CARTER. And I thank my friend. Reclaiming my time, I thank you very much for that explanation. And, in fact, I learned a lot from the explanation.

One of the questions that I was always curious about and should have asked is these vehicle barriers that they kept talking about were part of the fence, and they weren't really building a fence, but they were building vehicle barriers where the vehicles couldn't get back in there. And it was my impression from what I had learned from law enforcement that vehicles weren't their problem; it was foot traffic that was their problem. Now I learn the vehicles kept law enforcement's vehicles out.

Mr. BISHOP of Utah. If the gentleman would yield?

Mr. CARTER. I certainly do.

Mr. BISHOP of Utah. It is one of those peculiarities that has happened that some of the barriers that used to be used and are now surplus because a bigger fence is now in place have now been put into other areas. And indeed, it's been a barrier to stop Americans and the Border Patrol from going into road areas in these particular areas.

It is not necessary for us to have a fixed fence along the entire border. But where we do not have a fixed fence, we need to have the electronic devices necessary for monitoring that area, especially the hilly areas, the very mountainous areas along the southern border. That makes a whole lot more sense. The problem is, if once again you have identified wilderness characteristics in that land, you may not put the electronic recording devices on wilderness land. Therefore, the Border Patrol is forced to move their recording devices area, which once again creates these huge gaps in the security. That's what we are trying to say.

There is nothing wrong with trying to protect the wilderness, trying to protect endangered species, but first of all, we have to stop the drugs. We have to stop the human trafficking. We have to close these gaping holes for potential terrorists coming in here. If we can't do that, the wilderness characteristic has no meaning. It has no value to us. That has to be our number one priority. Common sense tells you that.

That's why I am proud that on the bill that we have, Representative KING from Homeland Security, Representative SMITH from Judiciary, Representative HASTINGS from Resources joined together, along with 40 other cosponsors, to try to push this through again and make clear that what we are doing is simply what common people would say is the right thing to do.

I yield back again.

□ 2140

Mr. CARTER. I think common sense is more in short supply in this place than any place else on Earth. If we had more common sense that makes sense, and you know you mentioned something that—I don't like to use shock value when talking to the American citizens but they ought to know when we say lawlessness on the border, you mentioned something that is a horrible thing. The rape trees.

Now, with all of your imagination just think about this. These are like monuments to women who have been brought across the border from the other side of the border, and then the people who brought them rape them before they move on, and they hang their undergarments on the tree as a monument to that rape. And our folks who patrol the border call those ''rape trees.''

Now, if that doesn't get your attention about lawlessness, I don't know what's going to. But when I learned about that, you know—and then I talked to a man from Rock Springs—which is a pretty darned good ways from the border in Texas—and the interesting thing is, if you look at that map that Mr. BISHOP laid up there, you didn't see any Federal lands in Texas. Texas is the only State that entered the Union retaining its public lands.

But it even makes for more problems for us, too, because all of the land along the Rio Grande River in Texas belongs to Texans—ranchers and farmers and so forth. And we start dealing with barriers. That even creates a bigger problem in some ways by—because these folks, it's their private land and you have to deal with them.

So whatever you do, the issues of our law, they stay in the way. But putting up barriers to interfere with the enforcement of the law I think is aiding and abetting criminal activity. But then I wouldn't mind taking it to a jury. I think it would be an interesting argument.

But the stories that you just related to me—JOHN CULBERSON, also a Member from Texas, related that he had seen in New Mexico and Arizona lookout posts that are established on the Indian reservations and on the public lands where they sit up there and look for the Border Patrol so they can radio back and bring people across at various areas. It's like they own that. It's like that's their ranchero. That's their place on the border. We are having our country invaded. And it's bad enough to talk about people coming over, all of these poor people coming over to get a job. True. Absolutely. Some great folks coming over trying to get a job. But we could do better. We could figure out a way to get them over here without this lawlessness on the border, because if you're not going to defend your country, then what good are you? What good is this place if we're not going to defend our country?

And your description—in our land. They are invading our land that belongs to the United States of America. My Lord. We ought to be willing to defend that land.

I yield back to my friend

Mr. BISHOP of Utah. If I could just amplify that point in some small degree. And once again, as the gentleman from Texas recognized, as you notice, there's only one national park along the Texas side. Everything else—which is an added benefit because Texas now cooperates a whole lot easier than unfortunately some of the Federal agencies do that are from New Mexico through to the Pacific Coast. But you're right.

There are, within these drug cartels, they do have lookout spots with night vision, machine guns. They have all of the equipment that's necessary as they now are engaged in a war amongst themselves.

The deputy who was recently shot was the 12th shooting that took place in this area. The bulk of those shootings are not necessarily against Americans but cartel versus cartel. The difference was this is the first one that actually got hit with one of these shootings. And what is more illustrative of this situation, as this deputy was basically lulled into an ambush, and especially as our good friend, the rancher down there, who was doing nothing more than simply traveling on his land in a cart because he did not have the ability to move very freely, in the past drug cartels when approached would disappear. What we're finding out now is there's a change of attitude. All of a sudden now they are not running away. They stood their ground, and they shot the rancher, and they shot his dog. They stood their ground, and they lured the deputy into an ambush and shot him.

There is a change in the attitude that is taking place there. And as the gentleman from Texas said, this is a change that's not taking place in Mexico—which would be bad enough—this is taking place in the United States. And still the Federal Government does not change its policies and procedures to combat that.

We seem as if there are land managers who are satisfied with making sure that drug cartels control our territory.

In Oregon Pipe National Monument, indeed the land manager down there, Mr. Baiza, seemed to be more concerned about the fact that the Border Patrol, instead of doing a Y to back up and go around, was going in a circular pattern on his land than he was about the fact that two-thirds of his land is controlled by the drug cartel, and Americans cannot go there unless they are escorted with an armed escort. And even then—it is amazing that as part of our publicity to attract people to visit public lands, we tell them, You can't go here. That seems like a bizarre concept, and it certainly doesn't define sovereignty as I thought sovereignty was defined.

I yield back to the gentleman who was spot-on in that observation.

Mr. CARTER. Here's another thing. We're talking about the rural areas, which, you know, one time we were having a hearing in Homeland Security; we were talking about helicopters, and we were talking about drones. And many people were asking about it. So I asked them, Okay, Now, there's at least some people that—we had DUNCAN HUNTER at that time who was saying we not only needed a double fence for the entire border, but we needed a high-speed highway in between it so that the Border Patrol could respond quickly.

And so I asked this guy about these helicopters. I said, Okay, what do you use these helicopters for? He said Well, we go out and we spot these large groups of immigrants that are crossing in Arizona and New Mexico and some in California. I said, Oh, so if our electronic equipment gives you a signal that there's something there, you go out there and you look at them from your helicopter and you swoop down. No, no, no. We don't swoop down. We check to see if they have adequate water and food supplies. And if they don't, we drop them water and food supplies so they don't die in the desert.

Well, that's very compassionate. But now I hear from my friend in Rock Springs who was talking about sitting on his back porch of his ranch looking down into sort of a drawdown behind his place, and his wife said, Look there. That looks like 20 illegals crossing our property. Get in the truck and go down and run them off. And he said, Mama, wait a minute. And he picked up his binoculars and looked, and he saw at least the two at the front of that line of folks had automatic weapons over their shoulder, and the two at the end of the line had automatic weapons over their shoulder. And all of them had large backpacks on their back, obviously carrying drugs.

And he said, Mama, you don't shoo those people off. They'll kill you. We'll call the Border Patrol. Hopefully they will do something about it. He called them. They didn't get there. They tried but they didn't get there. They were too far away.

But here's something from CNN. This was May 18, 2010. Tuesday, May 18. That's pretty current. Twenty-five people have been killed over this weekend in drug-related violence in the Mexican border city of Ciudad Juarez. Among those slain were 30 Federal police personnel, including three officers who had been engaged in controlling the ever-increasing spate of violence in the north Mexican City. Ciudad Juarez in Tijuana state is now the world's murder capital with near a thousand murders occurring since January 2010.

This city lying close to the border with Texas of the United States has witnessed a surge of violence in recent times over control of the key drug smuggling routes to the U.S. between rival gangs of Sinaloa and Juarez cartels.

That's a clip out of the newspaper. That's day before yesterday, right? Or today. That's yesterday. Yeah. No, it's today. That's today. That's out of today's newspaper. But that's about this last weekend.

Now, we can't stand still and let this happen on our border. We are sending soldiers into harm's way in places around the world to stop violence and 23,000 people have died across the border in a place where, by the way, by Texas standpoint, many of us call—used to be one of the places that we dearly loved to visit. We have friends that we know of across the border. In my lifetime, I've been across that border more than a hundred times, probably 500 times.

So although there were places you didn't want to go over there, there still was—they were still a sister city. People forget that El Paso-Juarez is a city of I think almost 3 million people. It's a huge metropolitan area. That's a big city over there across the border. And look at the violence that took place this weekend.

We see the shows on television with the gangs shooting at each other. But they are happening across the border from major cities like El Paso.

I yield back.

Mr. BISHOP of Utah. I appreciate that, and I understand we do have some sensitivity to the issues that are taking place in Mexico, and I am proud that the Mexican government is starting to crack down on the illegal drug cartels on their side of the border. And it is a violence that is spilling over. And in some respects, we don't have the ability to control that.

But where we do have the ability to control—and once again I have to go back to the fact that our land policy is now the prime area in which the violence is taking place, in which the drug cartels are trying to go, where we do have the ability to control, it is simply wrong for us not to do that. It is wrong for us to have as our national policy—it's wrong for us to have any other national priority than securing our southern border for the safety of our people.

And once again, what we are talking about is the worst kinds of people we want to keep out of here. We're not talking about stopping, as you mentioned very early on, stopping all immigration in this country. There are certain kinds of entrepreneurial spirits we want to have in this Nation. The drug cartels are not that person. The human traffickers are not that person, are not that. Those who are bringing in potential prostitutes are not that. Those who are actually doing the rape trees with the monuments—just unthinkable violence—those are not the kind we're after. And the potential terrorists carrying a bomb or any other kind of device is now something that we must have as uppermost in our consideration.

And that's why when we have the opportunity at least to establish policy and procedures on the Federal level that deal specifically with Federal land, it is just flat out wrong of us not to insist that we do that.

□ 2150

Mr. CARTER. If the gentleman would yield for a moment. Question: When America retains or takes public land, aren't we as a body of Americans stewards of that land for this Nation? Isn't it our job to take care of the property that the Federal Government has? Isn't that the job of the Interior Department, to be a good steward of that land, to make sure that land thrives and it is safe and it is a part of the body politic of the whole country's ownership?

Now, how can they possible think that it is for the well-being of the American populace to have our land that we own as a body politic full of drug dealers, rapists, and prostitute smugglers? Why in the world won't they open the roads up to our law enforcement to go in there and stop this?

Mr. BISHOP of Utah. The gentleman, if I may, asks a pertinent question, a two-part question. First, I wish the Federal Government didn't own quite so much land; I would be happier with that. But if they are going to take control of that land, they have to take control of that land.

In deference to some within the Department of the Interior and Forest Service, because once again I think common sense would say if people were of like mind and people were of good purposes, they should be able to sit down and work these situations out. This is not rocket science. This should be common sense. But in deference to some of them, the law to which they look for guidance says they have to manage it for wilderness designation and endangered species aspects first. That is the way they are interpreting it. I personally think they could reinterpret that very easily administratively if they chose. But that is the interpretation, which is one of the other reasons I think the law that we have proposed, the law that passed in the Senate but didn't get over here, that we passed over here but didn't pass in the Senate, needs to be put in place so we make it very, very clear that on these public lands, indeed, public security is the number one priority, and that we want to stop the drugs and the violence from coming across here.

Mr. CARTER. And to yield to another question: Isn't it a fact that the kind of people that they are letting in there without any law enforcement being able to stop them are not what you would call good citizens for taking care of the wilderness nor good citizens for protecting endangered species?

Look at that picture you are holding up there: bottles, cans, clothing. It looks like the city dump outside of the city here. Now, is that protecting our wilderness?

Mr. BISHOP of Utah. That's the irony of the situation in which we find ourselves. The very land we are trying to protect is the land that is being destroyed by people who don't care about the quality and purpose of the land. And this is what we must stop. This is, unfortunately, what the reality of today is. And that is sad. And it should be one of the reasons why our policies should be very clear and very open, and why, when you talk to people, they shake their heads in amazement, because this just does not make common sense.

I think you may have some statistics about that.

Mr. CARTER. Just real quickly, we have this issue with the Arizona law. And I think everyone says that the Arizona law really is an outcry from Arizonans saying: if you are not going to do it, we are all going to get involved.

But maybe the administration is setting a policy or a mindset here that is causing some of these things, because public opinion versus the opinion of our Speaker and our President seem to go in opposite directions.

Public opinion, and I believe that after they heard what you said tonight, they would even say it louder, they would say: my Lord, if we are not enforcing our borders and all this horrible stuff is happening down there, somebody has got to. And I don't blame Arizona for saying we want to have the right to ask questions.

So look at these polls: 51 percent, Gallup 59 approved; McClatchy Newspaper 61 approved; Fox News 61 approve. And yet President Obama; Attorney General Eric Holder; the Secretary of State, Posner; and the Department spokeswoman, P.J. Crowley, all seem to take the position that this is some horrible infringement upon goodness and mercy and the Constitution of the United States.

Well, maybe we have got to get our minds set straight. We have got to start realizing that our job as Members of this Congress, this whole body, we take an oath to preserve, protect, and defend the Constitution. And in that Constitution, it tells us one of our responsibilities is to defend our Nation against all enemies.

These are enemies of our country. If you don't believe it, I will be glad to take you down to places in Texas where the abuse of the drugs that are killing our children are clear to be seen on the streets, and you tell me if that's not an attack on our country for those drugs to come pouring in here. And you tell me the rapes are not an attack. Maybe it is happening to poor innocent people from foreign lands getting smuggled in here, but the rapes are taking place in the United States; and that aggravated sexual assault is taking place on those hundreds of women. That is a serious felony offense in every jurisdiction in this country. And we know it is going on, and we are using regulations to hold the hands of those who would protect those innocents. It drives you nuts to listen to this stuff.

□ 2200

Mr. BISHOP of Utah. I appreciate your emphasis on the public attitude there. I do not have a window into the hearts of what Arizona legislators may or may not have done. But in the back of my mind, I cannot keep telling myself, or I cannot keep wondering, that if we as a Federal Government had actually taken charge of our southern border and our northern border, if we as a Federal Government had stopped the most heinous of individuals who are freely coming in here now, perhaps the anxiety level or the anger level would not have made necessary the particular Arizona statute. Now, that's pure speculation on my part as well. But I cannot help thinking that if we were doing our jobs and getting all of the government agencies—Interior, Ag, Forest Service, and Homeland Security—to work together and do the right thing for people, just to take a commonsense approach, that we would lower at least the rhetoric of the discussion, and we would raise the security feeling of people, and maybe people like Rob Krentz would be alive today to be with his family.

Mr. CARTER. Well, I thank the gentleman for coming down here and actually enlightening me on some facts that I was not aware of because, like I say, we retain our public lands in Texas. So we look at Texas, the issues—it's just as serious on the Texas border, but it's a different issue on the Texas border. But they're all serious. The incursions into Texas, New Mexico, Arizona, and California are getting worse every time they occur, and it's time for us to unite and defend our borders.

We need an immigration policy that works. I'm for that. I think everyone is. But I'm not for rewarding criminal behavior. I will never be rewarding criminal behavior. We need to stop the border and seal it up and then come up with an immigration policy that is fair and takes into mind that the law has a purpose in this country. It is the glue that holds this society together.

I thank my friend for coming and joining me.

THE OIL SPILL HAS NOT REACHED FLORIDA'S COAST

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MEEK) is recognized for half the remaining time until midnight.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House, and as you know, I am no stranger to the floor when it comes down to addressing the House about issues that are not only facing the State of Florida but also facing the country.

You know that we have had a number of incidents that have taken place in the gulf in recent years, Hurricane Katrina and other storms like it, and now we have a threat to not only our environment but also the economy of the Gulf States. Tonight I have come to address some of the issues that are facing the State of Florida right now.

Everyone knows of the effects of the Deepwater Horizon oil spill. They also understand what they see on the news every night of not only environmentalists but also scientists and responders to the incident and what they're doing. America is being educated on what's going on. Our water is deep. It's 5,000 feet.

I can tell you, Mr. Speaker, I just recently left the gulf coast area. I had an opportunity in my own State to be in

Tampa and then moving on up to Panama City and the cities in between Panama City and Pensacola. I had the opportunity to meet with some good Floridians, and I picked up some first-hand ideas on what we can do to be able to stabilize not only the economy but also do away with some of the rumors that are out there that are affecting the overall economic outlook for that particular area. I also, after leaving Pensacola, went to the command center there in Mobile, Alabama, and had an opportunity to meet with some of the coordinators that are there on behalf of the Coast Guard, also coordinators for the State of Florida, coordinators also for the recovery effort as it relates to oil companies.

I just want to say from the outset, Mr. Speaker, that those that are responsible for this spill, need it be BP or Halliburton or the number of other companies that have been named, I guarantee you this, that response will not go without them paying. And I think it's very, very important that everyone on this House floor understands that many people have been affected due to the lack of regulation, need it be from the regulatory agency not doing what they should do. And I know that this Congress will find out more about what did happen and did not happen and the mismanagement that took place, but also as it relates to BP, Halliburton, and others' responsibility of what they were supposed to do to make sure that this did not happen.

Because they were irresponsible—we have individuals that work paycheck by paycheck. Some individuals work cash jobs. Some families have been fishing there in the gulf for a very long time, and they have been affected. I've talked to fishermen in Panama City, and I have also talk to fishermen in Pensacola and those that are concerned about the perception that's out there. We do not have oil on the beaches in Florida; we don't have oil within the Florida waters in Florida. But somehow, someway, the perception has been that there's oil on the beach, and I can tell you that it's affected the economy of those communities.

I just want to share with the Members that it's very important that we not only get out accurate information but we use every tool we can. And meeting with those fishermen in Panama City where their boats were there in the slips, they're usually out on the water catching fish, but people have canceled their reservations because they feel that the water is unsafe to fish in. That is not the case. Those are some of the things that I'm going to talk about here today.

These communities are already hit. And I want to make sure that Americans understand that they can come to Florida and they can vacation there and they should not cancel their reservations, because it will be affecting the economy not only in Florida but for individuals that work hard every day, that were already on their knees as it relates to an economic slowdown that we're experiencing right now. Now we see fishermen who were saying that they had their books filled all through the snapper season to only find that many individuals are canceling, and corporations that had planned retreats down in the panhandle area from Apalachicola right on up to Escambia County decided to cancel their reservations.

So maybe we can do away with some of the myths that are out there. This is not just about the fishermen. It's about the hotel industry. It's about the tourism industry in Florida that holds our economy as being the number one spot in creating jobs.

I have some charts here, Mr. Speaker, and it talks about the $65 billion that tourism generates in the State of Florida. And I can tell you, just recreational saltwater fishing impacts Florida's economy $5 billion, over 50,000 jobs, and I think it's very, very important that everyone understands the economy in Florida is already some 11.3 and above as it relates to unemployment. Some of the communities that are involved—and I will talk about the unemployment rates that are there as we move along, and people who feel sorry for those individuals that are impacted, I can tell you, you can do something about it. You can go down to that area and enjoy yourself. I think it's important. Come down to Florida.

I also want to also just share a few other statistical data that I have here. ''Boating impacts Florida's economy with over $18 billion and over 220,000 jobs.'' ''Florida averages over 35 million fishing trips per year,'' and, unfortunately, that industry is hurting, as I described earlier. I think that a number of folks need to understand that many of these fishing families that are along that coastline, I think they're too small to fail.

We talk about ''too big to fail'' when we look at the financial industry. These individuals are the reason why hotel rooms are filled there and the reason why the restaurants have individuals that are walking in and out of them and the reason why people come to that neck of the woods. And I think it's important that everyone understands what we're facing here.

This is some statistical data that I have already mentioned here, but I think it's important that everyone understands that in Florida we're trying to do everything we can. I met with a hotel owner that said that she has over 40 rooms but only seven reservations. She has a staff that's over 35 individuals, but I know that she's going to have to lay some folks off. That's not because of any act against our country, but there is an environmental perception that the beaches in Panama City have oil on them and that folks can't come down and enjoy themselves.

When I met with them, I said, Listen, I've already filed legislation with Senator BILL NELSON over in the Senate to call for a moratorium until we figure out how we can make these rigs safe and to make sure that there's a moratorium on expansion of offshore oil drilling off the coast of Florida and in the Gulf of Mexico. That's already filed. Legislation is already filed. RUSH HOLT, the Congressman here, in a companion bill over in the Senate, moving the liability cap up to make sure that these oil companies do not get off the hook for the kind of misery that they have put on these individuals who just wanted to work every day.

□ 2210

I shared with them what the SBA is providing for small businesses. But I can tell you in the final analysis, Mr. Speaker, they said, KENDRICK, if you can go back to Congress and let folks know that they can come down here, we are open for business and that we are ready to receive them, that will help us more than everything that you just mentioned. Everything you just mentioned will be for the future, but for right now, they have mortgages to meet. They can't take a second on their home because they have already taken that second mortgage on their home. They don't have the money to be able to continue to make that payment for the slip that they have at the marina. They have bills that they have to meet. And I can tell you, ladies and gentlemen, it is important. As a Member of Congress, that is the least I can do, to come to the floor tonight and stand up on behalf of the individuals who need someone to stand up on their behalf.

These are some of the guys I met with there in Panama City. As a fisherman myself, I get excited just looking at this picture. I am looking at some king mackerel and grouper and redfish, and I even see a parrot fish. These are the fishermen that are out there. These are some of the guys that I met with that are ready to go to work, but people are canceling on them and saying there is oil in the water. There is not oil in the water.

These pictures were just taken last week. This was not taken 6 months ago. They wanted to take this picture to let people know that they can come down and fish, ready, set, go, and clean. Stay a couple of days and enjoy yourself. It is a seasonal community along this gulf coast area, especially along the panhandle of Florida. They only have 100 to 120 days. They have the most fluctuating economy in the State of Florida because it is seasonal, and I think it is very, very important that we support these individuals.

These individuals are affected because of the lack of responsibility of those who are responsible for oil that is gushing out on the bottom of the gulf right now. I think it is important when we look at leadership that we understand that the economy is going to be affected time after time again when individuals are irresponsible. One, by not standing up as leaders when they are supposed to stand up as leaders and to be consistent and, two, turning their back and not paying attention to the details. I will go back to that, but I think it is important. I am going to bring the fishing picture back up again and I like it.

Visitflorida.com is a Web site that you can go to. I think it is important that you understand you can go to this Web site, get accurate information, and on the Web site you have key points, key areas you can click on, and it lets you know Twitter updates on what is going on on that particular beach in that part of Florida. I think it is important that you understand that coming to Florida for many individuals who are hit by hard times, you don't have the opportunity to get on a plane and fly overseas. It is cheaper to come down.

Here is where the rubber meets the road. I am going to spend a little time on this map because I think it is important. When we look at our economy, it is not only the Florida economy, it is the U.S. economy. This is Deepwater Horizon's project right there. This is where the incident took place. This map was updated by NOAA as of 6 p.m. today. I think it is important that you understand this red line is the red line of the area that is shut off. This has very little to do with the area I am talking about, from Apalachicola over to Pensacola, you can see this little black line here, the Florida waters that Florida has jurisdiction over, where there is a proposal to call a special session to put in the State Constitution calling for no oil drilling around the State of Florida as it relates to our Constitution. That would be a good move because what is happening right now, our economy is being affected and will be affected. We will not have the resources that we need to deal with schools and health care, a number of other issues that the State has to take responsibility for.

I am filing bills and giving voice to those individuals that I met with that said Listen, if you can do everything you can to help us, it would help us be able to bounce back.

This area right here is the area that was shut down as of 6 p.m. today. This is only 19 percent of the gulf, and this is very, very deep water. The only kind of fishing going on out there is tuna fishing. The fish that you saw and the chart before that are caught in this area, where these boats are going out right here. So it has nothing to do with this. And believe me, the Department of Health will let you know these areas are shut down, and they are not open for fishing.

I know there was some rumor—it wasn't rumor, it was fact; some tar balls were found by the Florida Keys. Those are being analyzed. Being a Florida guy, I can tell you, you get a little tar every now and then. It may not be from the Deepwater Horizon project, who knows. But we don't want hysteria going throughout saying there is oil down in the Keys now. We don't know that as a fact. I think it is very important that we understand that.

I can tell you one thing: As much as I fought against offshore oil drilling in the State of Florida, around the State of Florida, I can tell you I am just as concerned as some, but it is not for alarm; that beach is still open.

This little chart here is just in case people don't want to take my word for it. You can go on to Grandpanamabeachrentals.com. This is a Web cam just to let you know that the beach is open—ready, set, go for visitors. I think that is something that is very, very important that people need to understand.

Now to get to the bread and butter here, Mr. Speaker. I think it is important. You've been hearing a lot about how we are trying to shut this oil down, how the Coast Guard is a part of that, the EPA, BP, and a number of other agencies. But I can tell you where the rubber meets the road. This Apalachicola area all of the way to Escambia County, you have the counties that are already affected by unemployment. Wakulla County is 7.2 percent unemployment. Gadsden County also has individuals living up in this area, the panhandle we call northwest Florida, that are affected by 9.6 percent unemployment. Liberty County has 5.3 percent unemployment; Franklin County, 7.1 percent unemployment; Gulf County, 9.8 percent unemployment; Calhoun County, 8.2 percent unemployment; Jackson County has 7.2 percent unemployment. Bay County has 8.9 percent unemployment; and Washington County, also up here in the panhandle area, has 9.6 percent unemployment. Holmes County, 7.2 percent unemployment; Walton County, 6.8 percent unemployment; Okaloosa County, 7.2 percent unemployment; Santa Rosa County, 9.4 percent unemployment; and Pensacola has 9.8 percent unemployment.

I say all of that, ladies and gentlemen, because if we don't kill this whole issue that we have oil on the beaches of Florida, those unemployment numbers that I just mentioned are going to get higher. That is not fiction; that is fact. I think it is important that we understand that even though BP and Halliburton and all of these other companies that took advantage of what they were supposed to do and put these individuals in a financial situation that they are not even going to be able to provide for their families, I want those families to know that we are going to do everything we can, at least I am as a Member of Congress, to make sure that these individuals pay.

That is not going to put any food on the table, not right now, but I tell you one thing: That if we don't do our part, as individuals not living in the area that I just mentioned, to make sure that we do everything that we can to support those Floridians and also those Americans, then shame on us. We need to be able to stand up for them.

I think it is also important to understand, we talk about this issue of offshore oil drilling. It is okay to be against it now that you have oil in the gulf. I understand Louisiana and New Orleans, there is a judge that is handling all of the court orders that are coming through. BP is trying to move that hearing to Houston. I wonder why. I guess for a more favorable kind of judge or environment so they can have that as the home base so they can be able to have influence over the jury pool or what have you.

□ 2220

We need to pay very close attention to what's happening. People are scared. People are concerned. Some people may be looking at it as a vacation situation. We have folks that I just mentioned trying to give some representation here tonight that are directly affected. They have children too. They have mortgages too. They have car notes too and boat notes too. And they have to make ends meet.

Exxon Valdez is the only thing that we can really point to to see the outcome measures of what happened to a community when there was an oil spill.

Now, I commend those workers that are out there trying to rally up and round up this oil off the top of the water. I commend them for their work. I went by their command center. There are a lot of great Americans that are working to try to save communities. The two Coast Guard individuals that I was with, the two captains, they both live in Santa Rosa County. They said, KENDRICK, I have a vested interest in making sure that this oil doesn't hit the beach. And they're out there working some 20-hour days, making sure that they're able to skim and burn and pick up this oil. But they can't get it all.

And it's not on the beaches of Florida, and I think it's very important that everyone understands that. And there are people that are working.

But I'll be doggone if we allow these oil executives to come to Congress with $1,200 suits on and say they're not going to answer questions, and folks back home are suffering.

I think it's important that everyone understands that this is serious business. The clean-up of this Horizons project is going to take years, not months but years. And I think it's important that everyone understands, when we look at national security and we talk about green initiatives, that folks don't feel that it's some sort of liberal tree-hugging experience. China's doing it. India's doing it. Why do we have to be third or fourth as a country when we look at alternative fuel sources?

We talk about solar power. Folks think that's weak. I look at it as putting folks to work, maybe diversifying opportunities for these people that I've identified for those who have been fishing for generations and generations. Maybe they can have some other opportunities.

Biomass. I speak as a Congressman that has promoted biomass as it relates to our agricultural opportunities that we have and reusing sugar cane and reusing some of our crops as it relates to orange peels and others to turn them into energy, to put power back into the grid.

And to talk about solar power constantly, as coming from the Sunshine State, I talk about solar power because I see opportunities in it. I see homeowners being able to have the opportunity to save on their electric bill. But it's all about the transition. So if we continue to depend on fossil fuel, especially when it comes down to affecting the economy of so many Gulf State communities, communities along the Gulf States that are affected by this; and the dollars that are being deployed right now is something that we can prevent in the future.

So, Mr. Speaker, I just wanted to do my part here tonight. I wanted to make sure those individuals in this picture here, that I didn't let them down. I told them that I would bring voice to their issue as it relates to, which is my issue too, as it relates to the fact that people are canceling on these guys, and gals I must add.

And I just really want to thank Pamela Anderson for supplying this picture also at Anderson Marina. And they want to go to work, and we need to give them an opportunity to go to work.

But as we look at this issue, Mr. Speaker, it's important that as this Congress moves with the investigation and the legislation that I'm a prime sponsor of and cosponsor of, that's not enough. It's making sure that we're able to look at this situation as though it is a natural disaster, and the Federal response should treat it as though it is.

So we need to make sure that these individuals do not fail, because if we didn't let the banks fail, we should not let these individuals that work every day, pay taxes, and many of whom are veterans in this country, and they're Democrats and they're Republicans and Independent. I can tell you one thing about this oil spill. I don't care what your party affiliation is. The bottom line is the bottom line. And when 50 percent of your business is walk-ups, and that shuts down to 1 or 2 percent, and you have a boat that usually you're taking six people out on and now you're only taking one, and the other person happens to be your cousin, something is really wrong with that; and it's going to affect these families.

So I hope that as we move on, not only with the investigation, because we're an investigative body, but as we look at the effects that this oil spill has brought about, I think that we have to take into account what we're going through right now.

My heart goes out to my brethren in Alabama. My heart goes out to those that are in Mississippi. My heart goes out to Louisiana. I think it's very important that folks understand that this issue is just not a gulf issue. It's a United States issue, and it's a perfect example of why we need to move forward as it relates to alternative fuel and energy in our country so that we don't have to find ourselves in a situation where individuals are affected by some mishap that took place because individuals were irresponsible and brought about pain and suffering for these individuals that are trying to work and put food on the table for their families.

With that, Mr. Speaker, it was an honor to come to the floor. I want to let the membership know that many Members of the Florida delegation wanted to be here this evening; but due to the hour, they were not able to be here. The Florida delegation will be meeting tomorrow. When I say the Florida delegation, I'm saying the Members of the House and the Senate will come together to talk about this issue of Florida and its deep water Horizons oil spill. This directly affects our economy because our economy is all about tourism.

I hope in that Florida delegation meeting that there is a continued bipartisan spirit to not only help Florida bounce back, but also, as we move forward, as we look at energy, as policymakers, that we remember this moment, that we remember that all of Florida is going to be affected by the perception that there's oil in the water. And so it doesn't matter if you represent the west coast or you represent southern Florida or you represent the east coast of Florida or you're in the middle of Florida, every last one of those Members, the 27 members of the delegation, with two Senators, I think it's very, very important, including two Senators, I think it's very, very important that we remember this moment, remember the Floridians that are being affected, and the fact that our economy already, we're on our knees, and we're getting ready to get hit in the back of the head again if we don't cap this oil from coming out from the bottom of the Gulf of Mexico, and we don't remember this moment as we move forward as it relates to our national energy policy.

Mr. Speaker, I yield back the balance of my time.

SUPERVISION OF OFFSHORE DRILLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate my friend from Florida, his discussion about energy. It's certainly a timely topic.

I think we're all pretty upset with what BP has done. We heard the President point out that we're not going to have any finger-pointing. But that was yesterday. That was yesterday's news. Then I understand today the White House announces that it's going to have a commission that's going to do the finger-pointing. So one day no finger-pointing, the next day we're going to have a commission to do the finger-pointing.

□ 2230

So I guess we know that nobody that comes in here would ever do anything but tell the truth, but whoever is sending out those messages sure is being inconsistent.

I heard the President say last week that he was tired of all the cozy relationships between Big Oil and government. Well, as long as Big Oil is being properly supervised, then we are okay. But the trouble is in the last year-and-a-half apparently things have not been going so well in the area of supervision. There is an article that the AP put out: Federal inspections on the rigs not as claimed. This was actually from Sunday, May 16.

This article indicates the Federal agency responsible for ensuring the Deepwater Horizon was operating safely before it exploded last month fell well short of its own policy that the rig be inspected at least once per month. The agency's inspection frequency on Deepwater Horizon fell dramatically over the past 5 years, and apparently in the last year-and-a-half that has dropped significantly.

According to the article, let's see, this indicates officials said 83 inspections had been performed since the rig arrived in the gulf 104 months ago, which was September of 2001. And then being questioned about the once per month claim, officials subsequently revised that total up to 88 inspections. And the number of more recent inspections changed from 26 to 48 since January of 2005. No explanation was given for the upward revisions.

But what's amazing to some of us is the fact that you could have a level 5 hurricane as existed in the gulf with Hurricane Katrina before it hit the coast of Louisiana—once it hit the coast it was a level 3, but out there at the rigs it was still a 5—and some of those platforms were completely destroyed, completely destroyed, but the blowout preventers worked. There was no oil leaked. So you wonder, What's the deal?

And relying on the old adage here in Washington that no matter how cynical you get it's never enough to catch up, begin thinking about the President deploring this cozy relationship between Big Oil and the government. Because if he is blowing smoke, then maybe there's fire there.

So we got to looking, as, after all, it is MMS, the Minerals Management Service of the Department of the Interior that's supposed to be monitoring British Petroleum and making sure that our environment's kept safe because we need the energy. My friend from Florida was talking about all the alternative energies. Well, that's going to cost a ton of money to develop. So on the one hand you can shut down this economy and prevent everybody from driving cars, prevent the trains from carrying all the freight that they do, prevent ships from traveling using the fuel they do, stop all these things, stop commerce completely and somehow come up with money to develop alternative energies, or you can develop what we have and make sure that the government is doing a good enough job as a watchdog to make sure that there are not these kind of violations. That's what could be done.

And some of us have proposed repeatedly that all you have to do is use the resources we have got, take the government's royalty and use that to develop alternative energy sources so that as we deplete our energy resources, more than any nation in the world when you consider all the different resources we have, use the government's share of the royalty to fund alternative energy research so that we keep moving smoothly, transitioning into the day when we don't need any type of carbon-based fuel. But it's not in the next few years.

We saw efforts in the last 2½ years since Republicans properly lost the majority because they were spending too much. Little did we know those that convinced the public to elect them to stop the deficit spending would do 10 times the spending, or create 10 times the deficit in 1 year that we dealt with in 1 year right after I got here. But be that as it may, we have the resources to drive this economy like none in the world. We have the resources that will allow us to take those royalties and to develop resources so we don't need the carbon-based fuel that we are using today.

We could be moving toward nuclear energy, making sure it's a cookie-cutter-type facility and that parts can be utilized in different facilities. You train somebody to work in one, they can work in others. Those things can be done, but we are not moving in that direction. We are still moving, under this majority, toward greater and greater reliance on foreign oil and foreign energy.

So wanting to see, though, what could the President be talking about regarding this cozy relationship? Being on the Natural Resources Committee, I have some institutional recollection of things that have gone on since I have been here the last 5½ years, and one of the things that we have taken up was the fact that during the last 2 or 3 years of the Clinton administration the Department of the Interior had at least a couple of people who intentionally left language regarding price controls out of the Federal leases with major oil for offshore drilling. And it has cost this Nation millions and millions of dollars because it was knowingly done.

We had hearings, brought the Inspector General in. And I was one who inquired, Why hasn't there been a more thorough investigation about why these individuals intentionally, knowingly left the price control language out of the leases? It was always put there under former President Bush, under George W. Bush. His Department of the Interior always put it in. But for some reason, the last 2 or 3 years of the Clinton administration it was left out. And the Inspector General indicated that, well, he couldn't talk to those two particular individuals in question because they left government service.

Found it a little bit hard myself to understand why you can't investigate gross negligence, and if not gross negligence maybe even intentional misconduct. But we won't know until the proper investigation is done, why wouldn't he, as the Inspector General who was charged with doing the inspection while the Bush administration was in the White House, why he wouldn't do this.

Now, this is a man who had worked in the Clinton administration, and now he is Inspector General. Of course, his idea was to blame Bush, a theme that's followed up today even, even though it wasn't President Bush that negotiated the leases. It was the Clinton administration Department of the Interior. But one of the two individuals that he said, Well, we just can't question her because she is no longer a part of the government. She has gone back in the private sector. There is nothing we can do about it.

And so I certainly wondered myself why you wouldn't pursue that, perhaps turn it over to the FBI, to the Justice Department, let them do some investigation, because nobody is beyond their investigation of potential Federal wrongdoing, certainly mismanagement in costing the country millions and millions of dollars. But it's not just that it cost the country millions and millions of dollars. It made that money for the big oil companies with which the Clinton administration cut these deals.

□ 2240

But anyway, that individual who had worked with the Department of the Interior and had assisted in seeing that the leases did not contain the price control language cost the government taxpayers millions and made those millions, transferred to the big oil companies, whatever happened to her?

Well, a little checking because we know the President said there's a cozy relationship he was concerned about. It turns out that this administration has put her back in the Interior Department as the deputy assistant secretary for Minerals Management Service. The people, MMS, the very people who were supposed to inspect these offshore rigs, the very people who are supposed to make sure that the blowout preventers worked properly so that if there's a catastrophe like Hurricane Katrina, the blowout preventers work and no oil is leaked from those wells. Well, it didn't work out here, as the AP article talks about. The inspections weren't done with the regularity that they were supposed to.

Now, I agree with the President that we need to be working on issues and not finger-pointing, except that if we—the problem is there are other rigs under operation right now under the supervision of these same folks that let this happen. We can't afford more disasters like this in the gulf or anywhere else.

I've been a strong advocate for offshore drilling, but I anticipated that we would have a government that would not spend days and weeks deciding what to do, that they would get out there and do something. Not do a flyover and a wave-by, but an actual on-the-job, on-the-ground, you're-going-to-get-this-done.

Now, we've heard that maybe the boot was on the neck of these folks. It feels like maybe it's more on the toe or something because we don't seem to be moving in the right direction. You hear stories—you know, having so many friends that know something about oil and gas. You hear different versions about potential ways to close this well up. God help BP if it turns out they could have closed this with some explosives very quickly but have not acted quickly enough in order to hopefully some day rework the same well, letting this disaster hit the coast in this manner.

So what is the administration doing? I anticipated that with offshore drilling we would make sure that these blowout preventers were regularly tested—which wasn't happening here under this administration—and that if there were an accident, we would see what happened with Katrina; they would shut themselves down.

And we can't see that there's really any strong movement toward inspecting the rest of the rigs that this Minerals Management Service may have neglected just like this BP rig. They ought to be out there on every rig checking and making sure that they're not allowing this to happen somewhere else.

I'm not for shutting down the energy resources. But when you see a major company having more than one problem and other major oil companies not having the same problems, it does make you wonder if they are, number one, not being properly inspected. And if they're not being properly inspected, do they have a cozy relationship?

Well, let's see. This new deputy assistant secretary for Minerals Management Service, what job did she come from? Well, here it is. She was the general manager for social investment programs in strategic partnerships at British Petroleum America in Houston. Previously, other work experience, she had been director of Global Health, Safety, Environment and Emergency Response. That would be people regarding safety and environment and emergencies. They probably dealt with the company she was with on blowout preventers, things that would prevent emergencies, since she was the director of safety and environmental emergency responses. Oh, yes, that was for British Petroleum of London.

Well, what other experience did she have? Well, previously she had also been a vice president for Health, Safety and Environment. Environment like preventing oil spills? What company would she have gotten her training? Oh, yes. That was British Petroleum of North America in Los Angeles.

But 1995 to 2001 when the Bush administration came in and let her go, she served as the assistant secretary for Land and Minerals Management at the Department of the Interior, where she was the principal policy adviser to the Secretary of the Interior for environmentally responsible stewardship. Isn't that special?

So, once you hear the chief executive of the land talking about chief executives of big oil companies being too cozy with his administration, well, it bears looking into. And you don't have to go very far to see there is a very serious problem here. And the person that worked for British Petroleum that may have worked with MMS officials from the British Petroleum side is now the deputy secretary or assistant secretary with MMS, working with these same people, of which she used to be one. Interesting.

Now, we know that the jobs have not come as was promised. We were told a year and a half ago that if we would move in a socialist direction, give $787 billion more on top of the ridiculous Wall Street bailout from months before, that if we add another $787 billion in a so-called stimulus package, that that would prevent the unemployment rate from ever going above 8. We were told if we didn't pass that $787 billion of a stimulus package, the President said unemployment might reach as high as 8½ percent. Well, doesn't that sound good now?

□ 2250

Wouldn't it have been nice not to have passed that $787 billion porkulus bill and have unemployment not go beyond 8.5 percent? Because what happens is the government is sucking all the air out of the capital in the country. I keep hearing my friends across the aisle talk about banks not making loans. Well, there are a couple of problems.

Number one, the Federal Government is using up all the capital to build new buildings, hire new people, 60,000. The biggest sector of hiring in the last month was from Census workers. Well, that's not long-term help for the economy. It is a job that needs to be done. I am glad it is not ACORN. Of course, these may be ACORN employees that are now working for the Census Bureau. But that's not good news. How in the world can anybody go out, as the Speaker and the President have, saying: Great news, the unemployment rate went from 9.7 to 9.9. Isn't that great news?

If you talk to the people that are out of work, it is not good news, which is one of the reasons we have set up a couple of job fairs again to try to marry up people who have jobs open with people that are looking for jobs. We plan on doing one on June 2 in Marshall and then another down in Lufkin July 8. That will be in Nacogdoches, Stephen F. Austin University; and the one in Marshall will be the East Texas Baptist University, and we are going to be trying to marry up people that have some job openings with people that are looking for jobs. The two we have done in the past ended up with hundreds of people having employment that didn't before; but, sadly, not nearly enough people found the employment they needed.

So what is going on? I mean, obviously this government is spending tons of money. We know that Goldman Sachs had the best year they have ever had last year. But then, when you get to scratching, we know the Federal Reserve is refusing to open its books, refusing to be audited. The same people that are demanding that the Intelligence Agency, the FBI, all these other folks, the Department of Defense need to have complete transparency, not demanding the same thing of the Federal Reserve. We have got to keep that secret for some reason, when the truth is we need to know how much trouble the Federal Reserve continues to get us into.

But we were able to pull one contract between the Federal Reserve and New York with someone called Goldman Sachs SF Management, and they got a sweetheart deal here. But it does allow them to basically act on behalf of the Federal Reserve, just do whatever the Federal Reserve could do on their behalf, including hiring people to manage their assets. But in order to be hired to manage assets of the Federal Reserve, the manager, Goldman Sachs, acting on behalf of the Federal Reserve, is restricted to only hiring those outside entities that are listed in Exhibit C of their contract.

So you know that at least restricted them. They couldn't line their own pockets. Except that Goldman Sachs Asset Management LP is the manager acting on behalf of the Federal Reserve; and, lo and behold, Goldman Sachs & Company is an authorized counterparty with whom Goldman Sachs Asset Management can cut a deal as Goldman Sachs Asset Management LP sees fit on behalf of the Federal Reserve Bank of New York. Well, isn't that special. Isn't that convenient.

Those are the kinds of things we are talking about, I guess, when someone here on the floor or the President talks about these cozy relationships between his administration and others that are not good for America, because that sure doesn't sound good for America.

But you know, there was a time in America when people had a conscience. There was something in this country called morality. And when morality was such an important thing in this country, if someone was greedy and they through greed, avarice, neglect, ran their car off in a ditch, and even though it was their own fault, their own greed, that got them in trouble. If their neighbors came out and helped them get their car out of a ditch, well, there was this conscience, this still small voice that spoke within the greedy person to say, Gee, I am so sorry. I am so sorry. I will never be able to thank you enough for helping me get my car out of the ditch. I owe you. What can I do for you?

Now we are in a day when greed of an entity like Goldman Sachs, I think they gave 4–1 to help the President get elected over MCCAIN, they ran their car into a ditch during the end of the Bush administration. And since the former chairman was the Secretary of the Treasury and he could see his friends were in big trouble, he decided to scare America, tell them the financial sky was falling, to convince the President that the financial sky was falling, and that the only remedy was to give him, Hank Paulson, $700 billion to play with so that maybe he could keep things from getting too bad.

Well, he kept things from getting bad for Goldman Sachs. That's why it was necessary to bail out AIG. Most of AIG's departments were doing great. It was the credit default swaps that got them in trouble. But, unfortunately, credit default swaps were deals that were done with Goldman Sachs, an awful lot of them. So they had to bail AIG so that of the billions that were paid to AIG to bail them out, most of that would go to Goldman Sachs. So the American taxpayers were on the hook to pull Goldman Sachs' car that their greed drove into the ditch; and once they had it out of the ditch, they run over the rest of America, their neighbors.

There used to be morality. There used to be a conscience. And morality ensured that we could have economic stability. And when you lose morality, you lose economic stability.

There are so many brilliant theologians and philosophers that have talked about this. Chuck Colson was talking about it in a Bible study a little over a year ago, and what he said was true: if you have got morality, you can have economic stability. When you lose economic stability, then throughout history people have always been willing to give up liberty to get economic stability.

But to preserve liberty, wouldn't it have been better just to refine this Nation's morals, our moral foundation? Then we don't lose liberty to get economic stability. You get it by having a moral Nation.

You know, the Miss USA pageant got some notoriety before the pageant this week because the contestants were required to take pictures scantily clad. What was that about? It is about greed. Greed. Figuring, if people saw how thinly clad the contestants were, more people would tune in, which means more money for the pageant. It is about greed. It is about greed. It keeps coming back to that. So if you get back to morality, you can get economic stability.

One of the things that George Washington warned about, he tried to warn us in his farewell address. Washington said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness. Let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

So, to be moral, Washington said we need to be a religious people. The Nation once was. In fact, when Washington resigned from the leadership as commanding general of the Revolutionary military, he at the end of his resignation had these words, and this is not the whole thing but I'm shortening it here:

I now make it my earnest prayer, that God would have you, and the State over which you preside, in His holy protection; and, that He would most graciously be pleased to dispose us all, to do Justice, to love mercy, and to demean ourselves with that Charity, humility and pacific temper of mind, which were the Characteristicks of the Divine Author of our blessed Religion, and without an humble imitation of whose example in these things, we can never hope to be a happy Nation.

Of course, he was talking about the divine author of our blessed religion is how he referred to Jesus.

□ 2300

But to be moral under Judeo-Christian beliefs, we would need to be tolerant and allow the expression of opinions, even those opinions that we happen to disagree with, even when those opinions disagree with our lifestyle. And, Mr. Speaker, when people become so intolerant that they do not allow people to speak their mind even when it is to say, I believe your lifestyle is immoral, then we've lost the liberty that so many have fought for and so many have died for and that the Founders pledged their lives, their liberty, their sacred honor.

You see, there was a time during the revolution and for about 150 years after that where people were taught in school—I was taught in school in my early days that this quote from Voltaire—some say Voltaire, some say Cicero, hundreds of years earlier, but that ''I disagree with what you say, but I will defend to the death your right to say it.'' Now it's become, I'm so angry at you because you have said that you disagree with my lifestyle; therefore, I'm going to get you fired. Not only am I not going to fight to the death for your right to say it, I'm going to get you fired. I'm going to see that you lose all your assets. I'm going to see that property is taken, hopefully, and the government comes after you and hopefully puts you in jail and that you die alone and miserable. What happened to the principles that people fought and died for, ''I disagree with what you say, but I will defend to the death your right to say it''?

There are friends from across the other side of the aisle who I disagree with profoundly on many issues that are extremely important to me, but I know them and I know their heart, and I know they really, honestly believe that what they're saying is right. And I would fight to the death. I was in the Army 4 years, active duty, took an oath, willing to fight and die for their right to say what they say even though I disagree.

Now we've come full circle. Those same things that the Pilgrims depicted in the scene in the big mural down in the Rotunda, having a big prayer meeting, praying to God for his protection and guidance, and lo and behold, they ended up in Massachusetts, not where they had intended. But they came to this land to get away from discrimination because of their Christian beliefs, and now we've come full circle to where Christian beliefs are the only ones that it's okay to discriminate against. It's a sad time in America.

You know, we had a recent survey that indicated 70 percent of American adults believe their children will not have it as good as they have had it, will not have the opportunities, the liberties that we have had. And the fact is, if we got back to a national morality—and I'm sure not pointing the finger across the aisle because there's plenty of finger-pointing to go around, but we need to do it. It's wrong no matter which side of the aisle, and we need to not be afraid to stand up and say it and say the immorality needs to be addressed, and we need to protect this country, its liberties, its prosperity, its opportunities, and that can only be done if we do as George Washington suggested.

Now, there is another country around the world, halfway around the world, called Israel that is under threat. Iran has made clear through its leader, Ahmadinejad, that it needs to be wiped off the map. That leader has also made clear that the great Satan—America, in his mind—also needs to be completely destroyed. How do we ignore that? You ignore those kinds of threats by people who are pursuing the means to carry them out at your own peril, and they seem to be getting ignored.

I was at an APAC dinner recently where I heard a great orator, Senator SCHUMER from New York, and he was pointing out all the things that I agreed with about how Iran was running amok, trying to develop nuclear weapons, and it could not be allowed. It must not be allowed. It must be stopped. I was thrilled that he was taking that strong position. And he got to the end, and he basically said, So we need sanctions. Sanctions?

We've been trying to have sanctions for years. And while sanction talk continues to go around this administration and Russia and China and others in the U.N. who despise Israel and would also like to see it wiped off the map, the centrifuges in Iran continue to spin. They continue to enrich uranium. Oh, and now we hear that they may be cutting a deal with Turkey to trade some enriched uranium. I mean, there's plenty of bad news to go around, but that has to be stopped. When you have an enemy who has sworn to wipe you off the map, as Iran's leaders have us and Israel together, and he is working as fast as he can to develop the weaponry to do that, then you sit idly by twiddling your thumbs, talking about sanctions at your own peril.

Now, it is true that before the end of last year we began working on a resolution that basically would run through just a small fraction of some of the comments that Ahmadinejad has made. Apparently he has indicated that he believes the Mahdi is coming, will rule over the world, but that he can speed his return if he simply utilizes nuclear weapons. Then the end and the Mahdi's rule comes that much quicker. And yet we've had so-called journalists who have interviewed him, and the man has talked about wiping out this country, including the journalist asking him questions, and yet they don't have the nerve or the sense to ask him, What about your comments about wiping us off the map? What about your comments about bringing about the end of the world as we know it? What about those things? The journalists have become lapdogs. How sad is that? Not all of them. There's some excellent journalists, and apparently they're the ones that this administration is pursuing vendettas against, the way it sounds.

But somebody needs to do the work because we're at risk, as is our dear friend Israel on the other side of the world. And not just Israel, not just the United States, but our Muslim friends who are moderate Muslims that don't believe that jihad means to destroy all your enemies, that they believe that the jihad is within. Well, those are the very people that will also, with us, be wiped out if Ahmadinejad has his way, gets his nuclear weaponry, because he has no use for moderate Muslims. He'll kill them with the rest of us that he considers infidels. How can we allow those centrifuges to continue to spin?

I have been reluctant to come to the floor and talk about this because I wanted to make it a very bipartisan thing—it's gone on for over 6 months—hoping that we would quietly be able to have Democrats take the lead, because I didn't care who took the lead. Take the lead, whoever wants to. But it is time to step up and stop Iran from developing and acquiring nuclear weapons that pose a threat to Israel, to moderate Muslims, and to the existence of this country. It's time to step up, and sanctions are not doing it.

We know from the Iraq sanctions when Saddam Hussein was in charge that we had dear friends—France, Germany, Russia—cheating on the sanctions. France's friend Joseph Wilson—not Congressman WILSON, but Joseph Wilson started throwing around allegations about the Bush administration. As his wife said, he has dear friends in France.

Well, France was about to come under fire for cheating on the Oil-for-Food Programme, but Mr. WILSON was able to turn the discussion and focus away from France and their cheating on those sanctions to the Bush administration successfully, and the willing allies in the mainstream media went right with him. But it didn't change the fact that cheating went on and that there will be people who are willing to cheat with Iran as long as they're willing to pay money to get what they want.

□ 2310

I think it is actually to China and Russia's credit that they haven't said, Okay, sure, we will agree to sanctions, knowing that they are going to cheat and sell things to Iran and not have competition because sanctions are in place. I think it is to their credit that they have been honest enough to say we don't think sanctions are a good idea. And all of the while the centrifuges continue to spin, and uranium continues to be enriched, and they move toward a bigger and bigger and bigger bomb that poses such a threat to Israel, to our way of life, to our liberties, because even though our liberties have allowed what the jihadists, the radical Islamists see as nothing but corruption, that our liberties have allowed us to move into complete immorality from their way of seeing it, and therefore need to be destroyed. The fact is our liberties allow us to move forward and progress and become what has shown the world the greatest Nation in the history of mankind right here in the United States of America. The greatest ever in the history of the world.

We continue to move forward and advance because of the liberties and encouragement of entrepreneurism. But what are we doing now? Now we are moving more and more of the entrepreneurship into the Federal Government and say the Federal Government is going to take over and take care of things. But the truth is if we allow someone like a modern day Hitler named Ahmadinejad to develop a nuclear weapon—and apparently he may have enough fuel now to make a small bomb, if we allow him to get a bomb, Israel is at risk, we are at risk, and it would take a miracle of God to protect us because we have pulled down our own defenses.

I never seek to push my religious belief on others, but it is my belief, and since people have fought and died so I can express my opinion, it is my belief that God does allow us to have freedom of choice. And when we turn from God in our freedom of choice, and we walk away from his direction, teachings, and become the immoral Nation we have moved into where greed and avarice take over, eventually God turns his back, and you go to the dust heap of history. It has happened over and over. And now we seem to be moving ever so quickly in that direction.

Well, the great news is that this incredible experiment in human liberty and democracy does not have to go away, but it is going to have to take a recommitment to the morals, and of course George Washington, as I read, he said you cannot have morality that will sustain this Nation in exclusion of religious principle.

We know that Benjamin Franklin, I have said it so many times, but because there are still people out there saying Ben Franklin was a deist who believed that a deity created the universe and never involves himself in the things of man, it is important for people to know his own words, because he himself said, in 1787 at the Constitutional Convention, I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth: That God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it possible an empire could rise without his aid?

Franklin said, We are assured in the sacred writing, sir, that except the Lord build a house, they labor in vain that build it. He went on and said, I also firmly believe that without His, the Lord's concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be confounded by our local partial interests, and we ourselves will become a byword down to future ages.

And that is what scares me now in America.

We, as Franklin said, have forgotten our powerful friend. That is the question that he asked the Constitutional Convention: Have we now forgotten our powerful friend?

If he were here in this body today asking that question, we would have to answer him ''yes.'' There is a judge in Wisconsin who said you couldn't call upon your powerful friend as a Nation on a National Day of Prayer. We have had a Supreme Court say previously that despite the fact that the Constitution came about after Franklin moved that we begin to have daily prayer in Congress, we had a Supreme Court that was so miseducated that they felt like it was improper to have prayer in public places. How did we get so far off base? Well, we have had people that were miseducated.

There was a lady in Mount Pleasant where I grew up, Ms. Milum, she got into her 90s and she could still cook. And she would call my mother and say, Tell Louie I have some rolls. Her daughter was my mother's best friend, Emma Lou. And one day Emma Lou was talking about a man there in Mount Pleasant. And Ms. Milum said, He's a fool. Emma Lou said, Mother, he has his Ph.D.

And she said, I don't care, he is still a P-H-U-L. Well, I think we have a lot of Ph.D.s and other degrees who are still P-H-U-Ls. They are fools still because they have been educated beyond their means. Or they have become, as scripture refers to them, wise in their own eyes.

As a result, we have people in this country who think that while a madman is spinning centrifuges, developing uranium, and saying that he is going to use it to destroy Israel and America, and of course that will also include destroying moderate Muslims, we are just talking over here about sanctions and can't even agree on them.

We took an oath in this body to support and defend the Constitution. We are supposed to provide for the common defense against all enemies, foreign and domestic, and we have a self-announced enemy to this country that wants to wipe us off the map and he stands there taunting us, developing nuclear weapons, and we are not living up to our oath to provide for the common defense.

I was in West Africa with Mercy Ships, a wonderful charitable institution that helps the lame to walk, the blind to see, provides surgeries for those who do not have health care in Africa. In the country of Togo with around 6 million people, two hospitals, this Mercy Ship is truly a ship of mercy.

But West Africans on the ship wanted to meet with me the last night I was there. I don't know how well educated those folks were. They had hearts of gold, and they were people of prayer. They were Christian brothers and sisters. The oldest gentleman there, Ebenezer said, in essence, it is so important that you understand what America means to the rest of the world.

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And to Christians around the world, and those who want to be free, who have freedom, those who want to be free, if you let your country fall, there is no one else in this world, other than God, to help us. You must keep your country strong in order for the rest of us to have hope of protection.

There were so many words of wisdom from that group, one from a young man who said, yes, but we must not only pray for their leaders—in fact, they said, we're excited that you have a Black President. We're concerned about some of his policies. We're concerned some of them will weaken America. And if you become weak, we have no protection from the forces of evil. Our protection of this country means so much to so many.

As this young man said, we need to also pray for the people around their leaders in America because they all have people whispering and giving them advice and giving them information. We need to pray for them too. I was struck by the wisdom of that young man because he understands.

And in this country, whether it's at the White House, here in the Halls of Congress, we all have people whom we rely on for information and to help us work through and summarize and get information in a nutshell so it can be absorbed and utilized. And if the wrong information is provided, then our leaders have no hope of doing the right thing.

That's what happened with the TARP bailout. We had a good leader in President George W. Bush. He's smarter than people give him credit for. He's witty, one of the wittiest guys to talk with, just a delight to visit with. But the man who was his Secretary of the Treasury was acting in the best interest of Goldman Sachs and his friends on Wall Street, and not for the people across America. And I'll give him the benefit of the doubt and say, okay, through his Wall Street lens he thought, if my friends get rich again and they don't go bankrupt, then everybody in America will do well. Well, we saw that's not the case.

But that's what we've got going on now. Apparently our President, our great President, is getting some very bad advice, just like President Bush did on the TARP bailout. He's got a Secretary of the Treasury that we were told worked with Paulsen in the plan so he'll keep the same things going. I thought that was a good reason not to confirm him, but he was confirmed, and there he is giving the President advice.

And the jobs still are not being created. And as we move toward the end of the year, we see the tax rates are going to go up in every way, capital gains are going to go up, estate tax is coming back with a vengeance. Some people are beginning to make their moves financially. And as Art Laffer said, it's going to make this, the rest of the year, look like we may be moving into a recovery, but it's a false recovery. It's people preparing for the end of the year when the taxes skyrocket in every area. And that's when the bottom will fall out.

So it's not surprising that there are some economic indicators that are going up. It makes sense.

But we've got people giving the President bad advice. We have people in this Congress, the leaders here who are getting bad advice, and we're hurting the country.

And those wonderful West Africans that I met with, who warned me, don't let your country fall; don't let your country get hurt. You're the hope we have in this world because of the way God's used America in the past.

We owe it to so many. Who will come rushing in to the Haitis, to the international disasters once we're too broke?

You know, the Democrats took the majority in November of 2006 I think largely on the promise that we're going to correct, as Democrats, what the Republicans have done in running up the deficit. And unfortunately, Republicans had done that. When Republicans got the White House, had both Houses of Congress, they got giddy and they could run up a couple of hundred billion in deficit. My first 2 years we were still in the majority, and I couldn't believe some of the things that we were doing. That was not Republican. That's not what we were supposed to do.

But the new majority, over the last— well, since January of '07, have run up deficits. This administration has run up deficits like never before in history. And I was embarrassed when Bush was talking about $160 billion deficit in one year. And we're talking about a $1.6 trillion deficit in one year, 10 times what the Bush administration was pushing. And yet no outrage from the same people that were so upset about 160 billion. What happened to that?

Our country is in trouble morally, and because morally, then economically, and because we're economically in trouble, people are allowing their liberties to be taken.

And now we find out that 53 percent of Americans are going to carry all of the income tax burden for the whole country?

Now, there are some in this country who want to work, and they're not able to work. There are others in this country who are able to work and they're not. There are those who could do more, but we're moving up to 47 percent that are not going to pay any income tax. And we know historically that when one more than 50 percent of the voters in a country get more benefits from the Federal Government, than they put in, you are very close to the end of your Nation's history. You are very close to the end of your Nation as you knew it. And we are moving far too quickly in that direction. It's got to stop.

We need morality in the Department of the Interior, in the MMS, so they don't just wink and nod on the blowout preventers, that they will step up and do what is morally correct to protect the environment.

We need people who will step up and say, we are not going to destroy this economy. We're going to use the energy we've got, but we will make sure that it's being used environmentally responsibly.

Apparently my time has expired, so I must yield back with a prayer for America that we will regain our morality, our economic stability and keep our liberties.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILBRAY (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. KIRK (at the request of Mr. BOEHNER) for today on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 21, 24, and 25.

Mr. JONES, for 5 minutes, May 21, 24, and 25.

Mr. BURTON of Indiana, for 5 minutes, May 21, 24, and 25.

Mr. MORAN of Kansas, for 5 minutes, May 21, 24, and 25.

Mr. BURGESS, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 13, 2010 she presented to the President of the United States, for his approval, the following bills:

H.R. 2802. To provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5160. To extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

H.R. 5148. To amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

H.R. 1121. To authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 19, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7501. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1079] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7502. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1113] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7503. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-000; Internal Agency Docket No. FEMA-B-1090] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7504. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1081] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7505. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings [EPA-HQ-OPPT-2010-0173; FRL-8823-6] (RIN: 2070-AJ56) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7506. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 07-10 informing of an intent to sign a Memorandum of Understanding with the Republic of Italy; to the Committee on Foreign Affairs.

7507. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-003, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7508. A letter from the Assistnat Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-009, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7509. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's fiscal year 2009 report on U.S. Government Assistance to and Cooperative Activities with Eurasia, pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

7510. A letter from the Equal Employment Opportunity Director, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7511. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7512. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2009 Annual Report pursuant to Section 203, Title II of the Notification and Federal Anti-discrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7513. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''Government Performance and Results Act Annual Report to the President and Congress-Fiscal Year 2009''; to the Committee on Oversight and Government Reform.

7514. A letter from the Director, Peace Corps, transmitting a copy of the Peace Corp's Fiscal Year 2009 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

7515. A letter from the Secretary, Department of Health and Human Services, transmitting annual report on the Indian Health Service Funding for contract support Costs of self-determination awards for Fiscal Year 2009, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7516. A letter from the Chief, Strategic Support Section, C.J.I.S., Federal Bureau of Investigation, Department of Justice, transmitting the Department's final rule — FBI Criminal Justice Information Services Division User Fees [Docket No.: FBI 114] (RIN: 1110-AA26) received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7517. A letter from the Administrator, Department of Transportation, transmitting the Department's report for fiscal year 2009 on foreign aviation authorities to which the Administrator provided services in the preceding fiscal year, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

7518. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-1231; Directorate Identifier 2009-NM-212-AD; Amendment 39-16261; AD 2010-08-06] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7519. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2010-0056; Directorate Identifier 2009-CE-051-AD; Amendment 39-16259; AD 2010-08-04] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7520. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1068; Directorate Identifier 2009-NM-042-AD; Amendment 39-16258; AD 2010-08-03] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2007-28377; Directorate Identifier 2007-NM-063-AD; Amendment 39-16257; AD 2010-08-02] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243, -341, -342, and -343 Airplanes Equipped with Rolls-Royce Trent 700 Engines [Docket No.: FAA-2010-0391; Directorate Identifier 2010-NM-073-AD; Amendment 39-16263; AD 2010-08-08] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision [FHWA Docket No.: FHWA-2007-28977] (RIN: 2125-AF22) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Direct Payment Subsidy Option for Certain Qualified Tax Credit Bonds and Build America Bonds [Notice 2010-35] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7525. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Form 3115 received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7526. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Waiver of Disapproval of Nurse Aide Training Program in Certain Cases [CMS-2266-F] (RIN: 0938-AO82) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2288. A bill to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023; with an amendment (Rept. 111–481). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4491. A bill to authorize the

Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes (Rept. 111–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3511. A bill to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes; with an amendment (Rept. 111–483). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; with an amendment (Rept. 111–484). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5128. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; with amendments (Rept. 111–485). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred to as follows;

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4842. A bill to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; with an amendment, Rept. 111–486, Part 1; referred to the Committee on Science and Technology for a period ending not later than June 28, 2010. for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), and rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 5319. A bill to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 5320. A bill to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Mrs. MCCARTHY of New York, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia):

H.R. 5321. A bill to prohibit certain individuals from possessing a firearm in an airport, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 5322. A bill to provide authority to the Director of the United States Patent and Trademark Office to set or adjust patent and trademark fees, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. OLSON, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. ISSA, Mrs. BACHMANN, Mr. AKIN, Mr. BILBRAY, Mr. HERGER, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. HENSARLING, Mr. CHAFFETZ, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. FLEMING, Mrs. SCHMIDT, Mr. PITTS, Mr. LATTA, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. CARTER, Mr. JORDAN of Ohio, Mr. BURGESS, and Mr. YOUNG of Alaska):

H.R. 5323. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to limit the year-to-year increase in total Federal spending to increases in the Consumer Price Index and population; to the Committee on the Budget.

By Mrs. DAVIS of California (for herself, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. COURTNEY, Mr. STARK, Ms. SUTTON, and Mr. WU):

H.R. 5324. A bill to provide for extension of COBRA continuation coverage until coverage is available otherwise under either an employment-based health plan or through an American Health Benefit Exchange under the Patient Protection and Affordable Care Act; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 5325. A bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY:

H.R. 5326. A bill to repeal the national organic certification cost-share program; to the Committee on Agriculture.

By Mr. NYE (for himself, Ms. GIFFORDS, Mr. MCMAHON, Mr. HIMES, Mr. ACKERMAN, Mr. BERMAN, Ms. KOSMAS, Mr. BISHOP of New York, Mr. TURNER, and Ms. ROS-LEHTINEN):

H.R. 5327. A bill to authorize assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Affairs.

By Mr. DOGGETT (for himself, Mr. MCDERMOTT, and Ms. DELAURO):

H.R. 5328. A bill to amend the Internal Revenue Code of 1986 to reduce international tax avoidance and restore a level playing field for American businesses; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 5329. A bill to modify the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by the Water Resources Development Act of 1996, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 5330. A bill to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

H.R. 5331. A bill to revise the boundaries of John H. Chaffee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island; to the Committee on Natural Resources.

By Ms. KILROY (for herself, Mr. RYAN of Ohio, and Mr. MILLER of North Carolina):

H.R. 5332. A bill to amend the Small Business Act to establish a small business intermediary lending pilot program; to the Committee on Small Business.

By Mr. LATTA (for himself, Mr. WILSON of South Carolina, Mr. FOSTER, Mr. TURNER, Mr. ROGERS of Alabama, Mr. OWENS, Mr. LAMBORN, Mr. BISHOP of Georgia, Mrs. MCMORRIS RODGERS, Mr. CARTER, and Mr. RYAN of Ohio):

H.R. 5333. A bill to amend title 10, United States Code, to recognize the dependent children of members of the Armed Forces who are serving on active duty or who have served on active duty through the presentation of an official lapel button; to the Committee on Armed Services.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 5334. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. MARSHALL (for himself and Mr. CASTLE):

H.R. 5335. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible local educational agencies for the purpose of reducing the student-to-nurse ratio in public elementary and secondary schools; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Ms. HIRONO):

H.R. 5336. A bill to improve teacher quality, and for other purposes; to the Committee on Education and Labor.

By Mr. PETERS:

H.R. 5337. A bill to amend section 48 (relating to depiction of extreme animal cruelty) of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. MARSHALL, Mr. SHUSTER, and Mr. THORNBERRY):

H.R. 5338. A bill to strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself and Mr. PENCE):

H. Con. Res. 279. Concurrent resolution disapproving of the participation of the United States in the provision by the International Monetary Fund of a multibillion dollar funding package for the European Union, until the member states of the European Union comply with the economic requirements of membership in the European Union; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Ms. CLARKE, Ms. WATSON, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. COOPER, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. LOWEY, Mr. NADLER of New York, Mrs. MALONEY, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. TONKO, Mr. SNYDER, Mr. WATT, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. CLAY, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. SERRANO, Mrs. MCCARTHY of New York, and Ms. JACKSON LEE of Texas):

H. Res. 1362. A resolution celebrating the life and achievements of Lena Mary Calhoun Horne and honoring her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California:

H. Res. 1363. A resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety; to the Committee on Rules.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. FILNER, Mr. OWENS, Mr. SHULER, Mrs. MYRICK, Mr. COOPER, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. JONES, Mr. CHANDLER, Mrs. MALONEY, Mr. COBLE, Mr. KISSELL, Ms. FOXX, Mr. WATT, Mr. MILLER of North Carolina, and Mr. MCHENRY):

H. Res. 1364. A resolution honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010; to the Committee on the Judiciary.

By Mr. SHULER (for himself, Mr. HILL, Ms. MARKEY of Colorado, Mr. SIMPSON, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Mr. LARSEN of Washington, Mr. GRIFFITH, Mr. CONAWAY, Mr. TANNER, Mr. MINNICK, Mr. TAYLOR, Mr. RODRIGUEZ, Mr. CARTER, Mr. SALAZAR, Mr. MELANCON, Ms. HERSETH SANDLIN, Mr. JONES, Ms. GIFFORDS, Mr. ADERHOLT, Mr. KISSELL, Ms. JENKINS, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mr. ALEXANDER, Mrs. KIRKPATRICK of Arizona, Mr. AUSTRIA, Mr. SMITH of Washington, Mr. RAHALL, Mr. TIAHRT, Mr. WILSON of Ohio, Mr. TERRY, Mr. CHANDLER, Mr. MCHENRY, Mr. SAM JOHNSON of Texas, Mr. COBLE, Mrs. SCHMIDT, Mr. BOYD, Mr. BOUCHER, Mr. POE of Texas, Mr. BOCCIERI, Mr. PENCE, Mr. TURNER, Mr. CARDOZA, Mr. SPACE, Mr. CHILDERS, Mrs. MYRICK, Mr. MCCAUL, Mr. DAVIS of Tennessee, Mr. BISHOP of Utah, Mr. CARNEY, Mr. BOREN, Mr. RYAN of Ohio, Mr. POMEROY, Mr. SCALISE, Mr. COURTNEY, Mr. BACHUS, Mr. WILSON of South Carolina, Mr. SCHAUER, Mr. PERRIELLO, Mr. KRATOVIL, Mr. SCHOCK, Mr. HODES, Mr. MCINTYRE, Mrs. EMERSON, Mr. SHUSTER, Mr. BOOZMAN, Mr. BRIGHT, Mr. SMITH of Nebraska, Mr. REHBERG, Mrs. CAPITO, Mr. JOHNSON of Illinois, Mr. HUNTER, Mr. REICHERT, Ms. TITUS, Mr. KAGEN, Mr. LUETKEMEYER, Mr. ROSS, Mr. YOUNG of Alaska, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. LATTA, Mr. SKELTON, Mr. MURPHY of New York, Mr. PETERSON, Mr. TEAGUE, Mr. SOUDER, Ms. FOXX, Mr. ARCURI, Mr. MICHAUD, Mr. OBERSTAR, Mr. GRAVES, Mr. ETHERIDGE, Mr. BACA, Mr. BONNER, Mr. SESSIONS, Mr. STUPAK, Mr. MATHESON, Mr. NYE, Mr. LATHAM, Mr. SPRATT, Mr. WITTMAN, Mr. WALDEN, Mr. GOODLATTE, Mr. ALTMIRE, Mr. GALLEGLY, Mr. MARSHALL, Mr. CALVERT, Mr. GUTHRIE, Mr. COHEN, Mr. GORDON of Tennessee, Mr. COFFMAN of Colorado, Mr. WALZ, Mr. GARRETT of New Jersey, Mrs. BLACKBURN, Mr. MCCARTHY of California, Mr. UPTON, and Mr. FLAKE):

H. Res. 1365. A resolution commending the National Rifle Association for developing the Eddie Eagle GunSafe Program and teaching 23,000,000 children its lifesaving message; to the Committee on Education and Labor.

By Mr. HARE (for himself, Ms. NORTON, Ms. RICHARDSON, Mr. GARAMENDI, Mr. SCHAUER, Mr. HIGGINS, Mr. LARSEN of Washington, Mr. WU, Mr. FILNER, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. RUSH, Mr. COSTELLO, Mr. CUMMINGS, Mr. LIPINSKI, Mr. GRIJALVA, Mr. MANZULLO, Mr. BACHUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, and Mr. GARY G. MILLER of California):

H. Res. 1366. A resolution recognizing and honoring the freight rail industry; to the Committee on Transportation and Infrastructure.

By Ms. CLARKE (for herself, Mr. RANGEL, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Mr. PAYNE, Mr. MCMAHON, Mr. CONYERS, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, and Mr. JOHNSON of Georgia):

H. Res. 1367. A resolution recognizing the significance of the Haitian flag to the people of Haiti and supporting the goals and ideals of Haitian Flag Day; to the Committee on Foreign Affairs.

By Mr. COURTNEY (for himself, Mr. NUNES, Mr. WELCH, Mr. WALZ, Mr. PETRI, Mr. ROONEY, Mr. TEAGUE, Mr. LEE of New York, Mr. BOSWELL, Mr. MAFFEI, Mr. CARNEY, Mr. MURPHY of New York, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. MARKEY of Colorado, Mr. BOYD, Mr. MICHAUD, Mr. SHUSTER, Mr. PERRIELLO, Mrs. MCMORRIS RODGERS, Mr. CAMP, Ms. SHEA-PORTER, Mr. PETERSON, Mr. COSTA, Mr. HOLDEN, Mr. BRALEY of Iowa, Mr. KIND, Mr. OBEY, Ms. BALDWIN, Mrs. DAHLKEMPER, Mr. LUJÁN, Ms. HIRONO, Mr. OBERSTAR, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. SIMPSON, Mr. MINNICK, Mr. RYAN of Wisconsin, Mr. THOMPSON of Pennsylvania, Mr. ARCURI, Mrs. KIRKPATRICK of Arizona, Mr. TONKO, Mr. HODES, Mr. LOEBSACK, Mr. GERLACH, Mr. LUETKEMEYER, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Mr. STUPAK, Mr. LARSEN of Washington, Mr. OWENS, Mr. BARTLETT, Mr. CARDOZA, Mr. OLVER, Mr. RODRIGUEZ, Mr. MCCARTHY of California, Mr. BOCCIERI, Mr. KAGEN, Mr. HIGGINS, Ms. DELAURO, Mr. SCALISE, Ms. JENKINS, Mr. BLUNT, and Ms. SLAUGHTER):

H. Res. 1368. A resolution supporting the goals of National Dairy Month; to the Committee on Agriculture.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. ENGEL, Mr. PAYNE, Mr. RANGEL, Mr. BURTON of Indiana, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LEWIS of Georgia, Mr. PIERLUISI, Ms. RICHARDSON, Mr. RUSH, Mr. SERRANO, and Ms. WASSERMAN SCHULTZ):

H. Res. 1369. A resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. SERRANO (for himself and Mr. MEEKS of New York):

H. Res. 1370. A resolution finding that holding the 2011 Major League Baseball All-Star Game in Arizona is at odds with Major League Baseball's efforts to promote diversity and tolerance, and urging Major League Baseball to find a more suitable location for the Game; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

280. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 569 urging the President and the Congress to take immediate action to adopt meaningful health care system reform; to the Committee on Energy and Commerce.

281. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 551 urging the Congress to pass legislation that would provide financial assistance to those states with budget deficits; to the Committee on Oversight and Government Reform.

282. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 500 urging the federal government to provide FEMA funding to repair the Metro East levees; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. SHEA-PORTER.

H.R. 43: Ms. ROS-LEHTINEN and Mr. HONDA.

H.R. 235: Mr. GARAMENDI and Mrs. EMERSON.

H.R. 413: Mr. WHITFIELD, Ms. RICHARDSON, and Mr. BILBRAY.

H.R. 442: Mr. CUELLAR.

H.R. 460: Mr. AL GREEN of Texas.

H.R. 476: Ms. HIRONO.

H.R. 678: Mr. INGLIS, Mr. BISHOP of New York, and Mr. RYAN of Ohio.

H.R. 745: Ms. LEE of California.

H.R. 832: Mrs. MALONEY.

H.R. 949: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, and Ms. ROYBAL-ALLARD.

H.R. 995: Mr. LYNCH.

H.R. 1017: Mr. TIM MURPHY of Pennsylvania.

H.R. 1064: Mr. GARAMENDI.
H.R. 1079: Mr. THOMPSON of Pennsylvania.
H.R. 1191: Mr. BRADY of Pennsylvania.
H.R. 1240: Mr. HIMES.
H.R. 1407: Mr. GARAMENDI.
H.R. 1547: Mr. COFFMAN of Colorado and Mr. SCOTT of Virginia.
H.R. 1549: Mr. GRAYSON.
H.R. 1618: Mr. BISHOP of New York.
H.R. 1670: Mr. MATHESON.
H.R. 1718: Mr. COBLE and Mr. ALEXANDER.
H.R. 1770: Mr. WELCH.
H.R. 2030: Mr. STARK.
H.R. 2054: Mr. CAPUANO, Mr. TONKO, Mr. WALZ, Mr. BACA, Mr. MURPHY of Connecticut, Ms. BERKLEY, Mr. CROWLEY, Mr. CHANDLER, Mr. PIERLUISI, Mr. MATHESON, Mr. ALTMIRE, Mr. JOHNSON of Georgia, Ms. GIFFORDS, Mr. SABLAN, Ms. HARMAN, and Mrs. NAPOLITANO.
H.R. 2064: Mr. CASTLE.
H.R. 2067: Ms. LINDA T. SÁNCHEZ of California, Mr. ELLSWORTH, and Ms. VELÁZQUEZ.
H.R. 2110: Mr. HODES.
H.R. 2136: Mr. LOEBSACK and Mrs. CAPITO.
H.R. 2149: Mr. MICHAUD.
H.R. 2212: Ms. BEAN.
H.R. 2240: Mr. GRIJALVA.
H.R. 2254: Mrs. SCHMIDT.
H.R. 2279: Ms. CHU and Mr. LYNCH.
H.R. 2363: Mr. SERRANO.
H.R. 2378: Mr. ROSS and Mr. RAHALL.
H.R. 2381: Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. FILNER, Mr. LYNCH, and Ms. NORTON.
H.R. 2408: Mr. COURTNEY and Mr. CARNEY.
H.R. 2414: Mr. KENNEDY.
H.R. 2478: Mr. GONZALEZ.
H.R. 2483: Mr. SIRES, Mr. GARAMENDI, Mrs. CHRISTENSEN, and Ms. BERKLEY.
H.R. 2521: Ms. SCHWARTZ, Ms. RICHARDSON, Mr. HARE, and Mr. PASCRELL.
H.R. 2546: Mr. SPACE, Ms. FUDGE, and Mr. RYAN of Ohio.
H.R. 2574: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2578: Mr. COHEN.
H.R. 2624: Mr. HIMES.
H.R. 2807: Mr. JACKSON of Illinois and Mr. PASTOR of Arizona.
H.R. 2866: Mr. WALDEN.
H.R. 2906: Mr. WHITFIELD and Mr. ANDREWS.
H.R. 3164: Mr. HOLT.
H.R. 3202: Mr. ROTHMAN of New Jersey.
H.R. 3212: Mr. SARBANES.
H.R. 3286: Mr. JACKSON of Illinois and Mr. HARE.
H.R. 3381: Ms. SLAUGHTER.
H.R. 3408: Mr. CHANDLER, Mr. GUTIERREZ, Ms. KAPTUR, Mr. RUSH, Mr. CARSON of Indiana, Mr. LUJÁN, Mr. SPACE, Ms. DELAURO, Mr. RYAN of Ohio, Ms. MATSUI, Ms. WATERS, and Ms. LEE of California.
H.R. 3412: Mr. GOHMERT and Mr. GARRETT of New Jersey.
H.R. 3519: Mr. KINGSTON.
H.R. 3615: Mr. CALVERT.
H.R. 3734: Ms. DEGETTE.
H.R. 3749: Mr. PETRI, Mr. MARCHANT, and Mr. CALVERT.
H.R. 3764: Ms. DEGETTE.
H.R. 3790: Ms. MOORE of Wisconsin, Mr. FRANKS of Arizona, Mr. LYNCH, Mr. SMITH of Texas, and Mr. MINNICK.
H.R. 3924: Mr. MCCOTTER, Mr. SMITH of Texas, and Mr. BACHUS.
H.R. 3939: Ms. LEE of California.
H.R. 3974: Ms. WATSON and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4021: Mr. CLEAVER.
H.R. 4114: Ms. ROYBAL-ALLARD.
H.R. 4181: Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BACA, Ms. LEE of California, Mr. LUJÁN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. MEEKS of New York, Mr. MARSHALL, and Mr. HONDA.
H.R. 4183: Mrs. MALONEY.
H.R. 4233: Mr. THOMPSON of Pennsylvania.
H.R. 4237: Mr. HINCHEY.
H.R. 4269: Ms. ROYBAL-ALLARD and Mrs. NAPOLITANO.
H.R. 4316: Mr. MOORE of Kansas and Mr. SMITH of Washington.
H.R. 4324: Mr. VAN HOLLEN and Mr. LATHAM.
H.R. 4350: Mr. SNYDER, Mr. SPRATT, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, and Mr. CLEAVER.
H.R. 4356: Mr. ROTHMAN of New Jersey.
H.R. 4378: Ms. DEGETTE.
H.R. 4509: Mr. BROWN of South Carolina.
H.R. 4534: Mr. CLAY.
H.R. 4549: Ms. RICHARDSON.
H.R. 4553: Mr. RAHALL.
H.R. 4598: Mr. ELLSWORTH.
H.R. 4614: Mr. HOLDEN, Mr. WEINER, and Mr. CONNOLLY of Virginia.
H.R. 4662: Mr. ROTHMAN of New Jersey.
H.R. 4671: Mr. CLEAVER and Ms. DEGETTE.
H.R. 4677: Ms. HIRONO.
H.R. 4678: Mr. SPACE.
H.R. 4684: Mr. RAHALL, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. SPRATT, and Mr. WITTMAN.
H.R. 4689: Ms. SUTTON, Mr. JACKSON of Illinois, Mr. LUETKEMEYER, Mr. ELLSWORTH, and Ms. ESHOO.
H.R. 4692: Ms. NORTON.
H.R. 4722: Mr. HARE and Mr. TONKO.
H.R. 4745: Mr. WOLF, Mr. FOSTER, and Mr. THOMPSON of Mississippi.
H.R. 4787: Mr. MICHAUD.
H.R. 4789: Mr. DOGGETT and Mr. ROTHMAN of New Jersey.
H.R. 4790: Ms. EDWARDS of Maryland and Mr. JACKSON of Illinois.
H.R. 4806: Ms. ZOE LOFGREN of California.
H.R. 4809: Mr. GARAMENDI.
H.R. 4812: Mr. MILLER of North Carolina.
H.R. 4850: Mr. ETHERIDGE, Ms. NORTON, and Mr. HASTINGS of Florida.
H.R. 4860: Mr. POLIS and Mr. INSLEE.
H.R. 4870: Mr. HIMES and Mr. ACKERMAN.
H.R. 4919: Mrs. LUMMIS.
H.R. 4925: Mr. YARMUTH and Mr. TOWNS.
H.R. 4926: Mr. GARAMENDI.
H.R. 4943: Mr. HERGER.
H.R. 4947: Ms. NORTON, Mr. CALVERT, and Mr. LATTA.
H.R. 4956: Mr. DELAHUNT, Mr. KIRK, and Mr. BUCHANAN.
H.R. 4959: Mr. GRAYSON and Ms. JACKSON LEE of Texas.
H.R. 4976: Mr. PASCRELL.
H.R. 4995: Mr. YOUNG of Alaska.
H.R. 5001: Mr. CONYERS and Ms. RICHARDSON.
H.R. 5012: Ms. CHU.
H.R. 5015: Ms. ESHOO and Mr. TIERNEY.
H.R. 5034: Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. TEAGUE, Ms. RICHARDSON, Mr. ELLSWORTH, Mr. TAYLOR, Mr. SMITH of Texas, Ms. BERKLEY, and Mr. REHBERG.
H.R. 5040: Mr. LYNCH and Mr. BUTTERFIELD.
H.R. 5041: Mr. SCOTT of Virginia, Mr. HOLDEN, Ms. BALDWIN, and Ms. CHU.
H.R. 5049: Mr. DONNELLY of Indiana.
H.R. 5058: Mr. WELCH.
H.R. 5081: Ms. BERKLEY.
H.R. 5086: Mr. JONES.
H.R. 5089: Ms. PINGREE of Maine.
H.R. 5092: Mr. LOEBSACK, Mr. MCCARTHY of California, Mr. HIMES, Mr. ADERHOLT, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, Mr. HILL, Mr. MITCHELL, Mr. ARCURI, and Mr. BACA.
H.R. 5107: Mr. CUMMINGS and Ms. SUTTON.
H.R. 5114: Mr. STARK and Mr. SIRES.
H.R. 5137: Mr. DELAHUNT and Mr. FARR.
H.R. 5141: Mr. THORNBERRY, Mr. WITTMAN, and Mr. LUETKEMEYER.
H.R. 5142: Ms. GIFFORDS, Mr. ETHERIDGE, and Ms. DELAURO.
H.R. 5143: Mr. LEWIS of Georgia.
H.R. 5156: Ms. DEGETTE and Ms. CHU.
H.R. 5174: Mr. ARCURI, Mr. LARSON of Connecticut, and Mr. RYAN of Ohio.
H.R. 5175: Mr. MEEK of Florida and Mr. ACKERMAN.
H.R. 5177: Mr. GOODLATTE.
H.R. 5200: Mr. HOLT.
H.R. 5202: Mr. SABLAN.
H.R. 5206: Mr. COURTNEY, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, and Mr. HOLT.
H.R. 5207: Mr. HOLDEN.
H.R. 5211: Ms. NORTON, Mr. STARK, and Ms. CLARKE.
H.R. 5213: Mr. HONDA, Ms. EDWARDS of Maryland, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, and Mr. GRIJALVA.
H.R. 5214: Mr. TONKO, Mr. MCDERMOTT, and Mr. WU.
H.R. 5216: Mrs. BACHMANN.
H.R. 5222: Mr. GRAYSON.
H.R. 5234: Mr. ROSS.
H.R. 5235: Mr. ROGERS of Alabama and Mr. LEE of New York.
H.R. 5248: Mr. BLUMENAUER.
H.R. 5257: Mr. SMITH of Texas and Mr. LAMBORN.
H.R. 5268: Mr. HASTINGS of Florida, Ms. VELÁZQUEZ, Mr. WELCH, Mr. GEORGE MILLER of California, Mr. HODES, and Ms. HIRONO.
H.R. 5298: Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. REICHERT, Mr. WILSON of Ohio, Mr. CARSON of Indiana, Mr. GRAVES, and Mr. DUNCAN.
H.R. 5299: Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CARTER, Mr. CHAFFETZ, Mr. CULBERSON, Mr. DUNCAN, Mrs. EMERSON, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. GRAVES, Mr. GRIFFITH, Ms. JENKINS, Mr. JONES, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. TIM MURPHY of Pennsylvania, Mr. ROHRABACHER, Mr. SIMPSON, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. WITTMAN, and Mr. HOEKSTRA.
H.R. 5300: Mr. FILNER, Mr. JOHNSON of Georgia, and Mr. MCCOTTER.
H.R. 5301: Ms. PINGREE of Maine and Mr. FRANK of Massachusetts.
H.R. 5302: Mr. JOHNSON of Georgia, Mr. DRIEHAUS, Mr. MEEKS of New York, Mr. HOLT, and Mr. HIMES.
H.R. 5308: Ms. JACKSON LEE of Texas.
H.R. 5318: Mr. KINGSTON and Mr. SENSENBRENNER.
H. J. Res. 61: Mr. VAN HOLLEN and Mr. AL GREEN of Texas.
H. Con. Res. 16: Mr. SCHOCK.
H. Con. Res. 226: Ms. KAPTUR.
H. Con. Res. 266: Mr. MARIO DIAZ-BALART of Florida and Mr. PAYNE.
H. Con. Res. 271: Mr. CHAFFETZ, Mr. SHIMKUS, Ms. JENKINS, Mr. BONNER, Mr. PENCE, Ms. FOXX, and Mr. ADERHOLT.
H. Con. Res. 273: Mr. BARTON of Texas, Mr. ROYCE, and Mr. CALVERT.
H. Con. Res. 275: Mr. COURTNEY and Mr. MEEK of Florida.
H. Res. 173: Mr. RODRIGUEZ, Ms. ESHOO, Mr. NADLER of New York, Mr. RUPPERSBERGER, Mr. DOYLE, Mr. ELLISON, Mr. HALL of Texas, Mr. INSLEE, Mr. ORTIZ, Mr. SPRATT, Mr. GRAYSON, Mr. KENNEDY, Mr. CAPUANO, Ms. JACKSON LEE of Texas, Ms. LEE of California, and Ms. CLARKE.
H. Res. 407: Mr. CAO, Mr. LEE of New York, Mr. SCOTT of Georgia, Ms. GINNY BROWN-WAITE of Florda, and Mr. BOREN.
H. Res. 633: Mr. GARAMENDI.
H. Res. 649: Mr. CUMMINGS.
H. Res. 767: Mr. HALL of New York.
H. Res. 992: Mr. MARIO DIAZ-BALART of Florida.
H. Res. 996: Mr. REYES.
H. Res. 1052: Mr. JONES.
H. Res. 1060: Mr. HENSARLING.
H. Res. 1110: Mr. MCKEON and Mr. COFFMAN of Colorado.
H. Res. 1162: Mr. FRANK of Massachusetts and Mr. COURTNEY.

H. Res. 1196: Mr. ADERHOLT.

H. Res. 1229: Mr. COURTNEY.

H. Res. 1283: Mr. HIMES.

H. Res. 1297: Mr. DAVIS of Illinois, Mr. DONNELLY of Indiana, and Mr. NEAL of Massachusetts.

H. Res. 1302: Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. MCINTYRE, Mr. BRALEY of Iowa, Mr. DOYLE, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. CAPUANO, Ms. BERKLEY, Mr. PITTS, Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, Mr. ROSS, Mr. ALEXANDER, and Mr. TERRY.

H. Res. 1319: Ms. HIRONO.

H. Res. 1321: Ms. CHU.

H. Res. 1322: Ms. FUDGE and Mr. SABLAN.

H. Res. 1325: Ms. ROS-LEHTINEN and Mr. GARY G. MILLER of California.

H. Res. 1326: Mr. CALVERT, Mr. BURGESS, and Mr. FRANKS of Arizona.

H. Res. 1339: Mr. SABLAN.

H. Res. 1343: Mr. BARROW, Mr. BROUN of Georgia, and Ms. NORTON.

H. Res. 1351: Mr. BACA, Ms. KILROY, Ms. HARMAN, Mr. FILNER, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. CLAY, and Mr. SHERMAN.

H. Res. 1353: Mr. SABLAN.

H. Res. 1361: Mrs. MYRICK, Mr. JONES, Mr. CONNOLLY of Virginia, Mr. MILLER of North Carolina, Mr. KISSELL, Mr. RUSH, Ms. CASTOR of Florida, Ms. CLARKE, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. FOXX, Mr. MCINTYRE, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. MEEK of Florida, Ms. LEE of California, Mr. CLAY, and Mr. FATTAH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 5015: Mr. CARSON of Indiana.

PETITIONS, ETC.

Under clause 3 of rule XII,

131. The SPEAKER presented a petition of City of Berkeley, California, relative to Resolution No. 64,671-N.S. urging the President to commit to prioritizing aid and relief over military intervention in Haiti; which was referred to the Committee on Foreign Affairs.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, MAY 18, 2010 *No. 75*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, who alone knows what a day will bring forth, draw our lawmakers closer to what You desire them to think, say, and do. May they find such inspiration in sacred Scripture that they will know and understand Your will, strengthened by the power of Your word. Lord, guide them by the unfolding of Your providence, directing them around obstacles that hinder Your purposes. Provide them with friendships that will enable them to see You more clearly and to follow You more nearly each day. Give them the wisdom to strive for a true faith of good conscience and genuine love that we may live peaceful and quiet lives in all godliness and holiness.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be an hour of morning business. The majority will control the first 30 minutes; the Republicans will control the next 30 minutes.

The Senate will then resume consideration of the Wall Street reform legislation. There will be 30 minutes of debate prior to a vote in relation to the Gregg amendment No. 4051 regarding State bailouts.

The Senate will recess from 12:30 until 2:15 for the weekly caucus meetings.

Last night, I filed cloture on the substitute to S. 3217, the Wall Street reform legislation. As a result, there is a 12 noon filing deadline for first-degree amendments. The first vote will occur before noon sometime today.

CLEANING UP THE MESS

Mr. REID. Mr. President, the fundamental principle behind Wall Street reform that we are going to finish this week is accountability. Those who created the mess bear the responsibility for cleaning up the mess. One of its most important provisions promises taxpayers they will never again be asked to bail out big corporations that acted recklessly and put our economy at risk.

When it comes to the ongoing catastrophe in the Gulf of Mexico, our motivation is exactly the same. It is no different. More than 20 million gallons of oil have leaked into and across the waters of the gulf coast since the Deepwater Horizon drilling rig exploded and sank about a month ago. That is double the oil that spewed from the Exxon Valdez.

Eleven crewmen died very quickly, horrific deaths, unnecessary deaths. In the weeks since, an enormous tourism industry has been slowed and business at countless fisheries has been halted at a time when the gulf coast can hardly afford more economic hardship. Our environment has been polluted and life has been disrupted for many along that coast. With every passing day, those consequences are only compounded.

It is the responsibility of Congress and the administration to investigate this disaster and it is the responsibility of BP and anyone else found culpable to foot the bill for the damages. They must be held accountable.

Some estimate this disaster will cost more than $14 billion. We have to put our foot down and make clear that taxpayers will not pick up that tab. I will do everything in my power to make sure the polluters pay the price, which they are obligated to do morally and, I believe, legally.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be an hour of debate, equally divided, between the leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mrs. MURRAY. Mr. President, I see the Senator from New Jersey is on the floor, and I am happy to follow him or precede him, whichever he chooses.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

UNANIMOUS-CONSENT REQUEST—S. 3305

Mr. MENENDEZ. Mr. President, I wish to thank my distinguished colleague from Washington State. I appreciate it.

I rise because the Senate has three choices on how it is going to protect coastal communities from the economic ravages of the oilspills we are seeing in the gulf. We can have fishermen, coastal residents, and tourism-based small businesses endure the suffering of lost revenue caused by a manmade disaster that was no fault of their own, which clearly in my mind isn't fair, we can have taxpayers provide them with a safety net, which I oppose, or we can make polluters pay all the damages they caused from a spill, which is the appropriate course.

It is not a hard choice. When I was a kid, my mother taught me all I think we need to know here, and I am sure everybody was taught the same way: You clean up your own mess and you are responsible for it. That is all we are asking BP or any other company to do: Clean up the mess, pay for whatever mess you can't clean up yourself and the damages that flow from what you did.

The current law sets a $75 million cap on how much an oil company has to pay for damages. That means BP doesn't have to pay more than $75 million for lost business revenue from fishing or tourism, damage to the environment, the coastline or the lost tax revenues of State and local governments. So I have introduced a bill, along with a number of my colleagues, raising that liability cap for offshore oil well spills from $75 million to $10 billion.

Some of my colleagues have objected to this proposal because they are worried it will drive oil drilling companies in the gulf out of business. Well, in the case of BP, that is a little hard to understand. It is a rather strange argument. After all, BP's profits amounted to $5.6 billion for the first 3 months of this year—profits, not proceeds, profits. That breaks down to $94 million in profits each and every day. That means their current damages liability under the law of $75 million is less than one day's profits—less than one day's profits.

Not every company drilling in the gulf is as big as BP, but why, I say to my colleagues who raise that issue, should an oil company get such a low liability cap when any average person driving down the street has unlimited liability? Why should a company doing an inherently dangerous and potentially polluting activity such as oil drilling enjoy such a low cap on liability, when the guy installing a solar panel on your roof has unlimited liability? It simply doesn't make sense.

The oil companies want it both ways. They want to keep the profits when everything works out well and times are good, but they want taxpayers to bail them out when they spill. It is fundamentally wrong.

Our bill is as simple as it gets. It says no bailout for BP. It says BP pays for its own mess, not the Nation's taxpayers. It says either you want to fully protect the small businesses and communities devastated by the spill or you want to protect multibillion-dollar oil companies from being held fully accountable.

BP says they are going to be liable for all legitimate claims, but they would not define what ''legitimate'' is. So if they are saying that, why are we hesitant to raise the liability cap to make sure that what they are saying is kept true and that anyone else in the future will have the same responsibility? Does anyone who has been watching the images coming in from the gulf believe we should be protecting multibillion-dollar oil companies instead of the small businesses, fisheries, and coastal residents who are losing their livelihoods?

It seems to me it is time this Senate stand up to big oil and make them pay for their own mess, not taxpayers, small business owners, States or the Federal Government.

I know a number of my colleagues who have cosponsored this legislation with me wish to speak. At the end of that process, I intend to make a unanimous consent request so we can move forward and make sure now—not years later, now—that all those who are damaged as a result of the spill in the gulf are protected and that taxpayers don't pay one penny toward this liability that BP and others may have.

With that, for the moment, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New Jersey because I, too, come to the floor to strongly support the Big Oil Bailout Provision Act and to ask some simple questions of the Senators who are objecting to this bill being passed. For whom are you fighting? Whom are you trying to help? Are you here to protect and shield the big oil companies or to fight for families and taxpayers?

I know where I stand. I came to the Senate to fight for families and small business owners in my home State of Washington, and those are the people I work for every single day—moms and dads who are working hard, paying their taxes, doing their best but who have watched, over the last 2 years, as Wall Street executives and big banks derailed our economy and then held out their hands for a bailout from the rest of us, men and women who have seen their friends, family, and neighbors lose their jobs, who have driven by neighborhood shops they have known for decades that are now sitting empty and boarded up. They have seen all this, and they have also seen Wall Street and big banks go right back to their ''bonus as usual'' mentality, acting as though nothing ever happened, handing out millions of taxpayer dollars to their executives, and shamelessly sending lobbyists to Washington, DC, to try and water down reform.

Families in Washington State and across the country have seen all this and they are angry about it and they have good reason to be. Those families need to know that now we are fighting for them in the Senate. The debate we are having today demonstrates clearly who is standing for them and who is not.

Here are the facts: On April 20, 2010, there was a massive blowout and explosion on a BP oil platform in the Gulf of Mexico. Eleven workers are missing, presumed dead; 17 more injured. The explosion, as we know, caused a gushing spill that has poured hundreds of thousands of barrels of oil into the gulf and threatens to spill millions more. It has created an environmental and economic tragedy the magnitude of which we are only now beginning to comprehend. It is threatening entire communities and businesses. The oil and chemical dispersants being sprayed into the gulf have the potential now to kill underwater wildlife and create underwater dead zones for years and years to come. Those are the facts.

The questions are: Who should be responsible for this cleanup? Who should bear the burden for big oil's mistakes? Should it be the taxpayers, the families and small business owners who are already being asked to bear so much today or should it be BP, the company that is responsible for this spill and that made $6.1 billion in profits in the first 3 months of this year alone?

I cosponsored the Big Oil Bailout Prevention Act because, to me, the answer is pretty clear.

I believe BP needs to be held accountable for the environmental and economic damage of this spill. I am going to continue to fight to make sure our taxpayers do not end up losing a single dime to pay for the mess this big oil company created.

To me, this is an issue of fundamental fairness. If an oil company causes a spill, they should be the ones to pay to clean it up, not the taxpayers. The bill raises the cap on oil company liability from the current limit of only $75 million—that is a pittance considering this spill's potential damage—to $10 billion.

So taxpayers will not be left holding the bag for big oil's mistakes. This is straightforward common sense, and it is fair. It hits particularly close for families in the Northwest—my area—who saw firsthand the devastation caused by the Exxon Valdez disaster and the long and arduous battle over cleanup costs.

Mr. President, I was disappointed when this bill was blocked by Republicans last week. We are going to keep fighting because we want this bill to pass. I am going to keep fighting for our families and taxpayers in Washington State and across the country.

The bottom line is, if oil companies are going to make billions in profits when times are good, they should not be allowed to leave taxpayers hanging when times are tough. The Big Oil Bailout Prevention Act writes this commonsense policy into law. I urge every Senator to side with the taxpayers and support this important legislation.

I yield the floor.

Mr. MENENDEZ. Mr. President, on behalf of the leadership, I ask unanimous consent that Senator NELSON be next for 5 minutes, and then Senator CARDIN for 4 minutes, and then Senator LAUTENBERG for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I say to my colleagues on the Senate floor, my worst nightmare is becoming reality. Tar balls have been discovered, as reported by CNN, in Key West. Even if they are not the tar balls from this spill, since the spill is flowing southward, it is getting into the Loop Current. That current goes southward into the Gulf of Mexico, around the Florida Keys, and becomes the Gulf Stream.

The University of Miami oceanographer testified to us that once it gets into the Loop Current in the northern Gulf of Mexico, it will take, maximum, 10 days to get to the Florida Keys. Eighty-five percent of North America's living coral reefs are in the Florida Keys. The Gulf Stream hugs the Florida Keys going northward and the southeast coast of Florida. The Gulf Stream parallels the entire eastern coast, the Atlantic seaboard, all the way north to Cape Hatteras, North Carolina, and proceeds across the Atlantic to Scotland.

We are looking at a gargantuan economic and environmental disaster facing this Nation but particularly those States on the gulf coast and the Atlantic seaboard. We have heard all the pronouncements, and we have heard those pronouncements now going on 4 weeks. The oilspill has not been stopped. If it continues until a rescue well reaches it in another 2-plus months, this spill will eventually cover up the gulf coast, the places like the sugary white beaches of northwest Florida, where I will be this Friday, where already the cancellations are coming right and left as their tourist season starts; and hotels that would normally have 85 percent occupancy are less than 20 percent occupancy. You can see the economic consequences from this disaster. You see the economic consequences already to the fishing industry in Louisiana. What about the oyster industry in Apalachicola and those delicate bays and estuaries all along the gulf coast where so much of the marine life is spawned?

Now we hear reports that it is not just on the surface, it is at a depth of 1,500 feet. Then just off the floor of the ocean at 4,500 feet, almost a mile below the surface—a slick that is 10 miles long and 3 miles wide and 2 football fields thick. What happens when that eventually gets to the surface? But in the meantime, what happens when it settles to the ocean floor?

For the life of me, I can't understand someone objecting, as they are going to do, to raising an artificial limit of $75 million up to at least $10 billion—and it is probably going to exceed that. The argument you are going to hear is: Oh, it should not be this; it ought to be tied to profit. Is it really responsible public policy to say because a company makes less money, it should be responsible for less damage? No.

If I seem emotional, it is because my people are scared. They are frightened at what they are facing.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. I thank Senator MENENDEZ for his leadership on S. 3305. I hope his request will be granted. As the other Senators have said, basically whose side are you on? Who should pay for this disaster? Should it be the taxpayers of this country? Should it be the small business owners whose livelihood is now in jeopardy? Should it be the property owners who are going to suffer damage? No. It should be BP Oil and its affiliates.

That is what the Menendez bill does. It places responsibility on the appropriate party. BP should pay, and there are many reasons they should pay. As Senator MENENDEZ points out, their profit was $6 billion in the last quarter. Another reason: BP, in its exploration plan that it presented to the Mineral Management Service, MMS, to get an environmental waiver, stated ''unlikely event of an oil spill as having little risk of contact or impact on the coastlines and associated environmental resources.''

Unlikely event? Little risk of contact? They have relied upon proven response technology—these blowout preventers. They were failsafe, according to BP Oil. Yet MMS showed that the blowout preventers had failed or otherwise played a role in at least 14 accidents. There was little information about the blowout preventers at 5,000 feet of water. That was used to avoid a full environmental review.

We have an environmental disaster, and BP should be held fully accountable for many reasons, not the least of which is they misrepresented the environmental risk to the public and the regulators.

Let's talk about the extent of the damage. BP is continuing to underestimate this damage because they don't want the public to fully understand the extent of the damage. First, they tell us 1,000 barrels a day, and then 5,000 barrels a day. The experts tell us the methodology used by BP is not reliable. They should have given us a range, not a specific barrel amount.

We had people who were prepared to come in and do a real assessment without jeopardizing BP Oil's efforts to stop the flow, and BP doesn't let them do that because they don't want the public to know the status of it, as Senator NELSON pointed out, using dispersants, which is a good option but not the better option. The oil is going to stay in the ocean and give us dead zones, and it is going to cause additional damage.

It starts with the Menendez bill, with holding BP Oil responsible for all of the damages it has caused through its misrepresentations and the way it has handled the spill. I hope it will continue so we can reenact a moratorium, particularly for the area that I represent in the Mid-Atlantic, which is so environmentally sensitive that if we had the spill in our area I would hate to see what it would do to the Chesapeake Bay and Assateague Island.

I urge my colleagues to move forward today on the Menendez bill. Let's get the consent necessary to make sure everyone understands that what BP Oil says it will do, it will do, which is pay for all the damages it has caused. I hope that will not be the last action. I hope we also will reimpose the moratorium for offshore drilling—at least at this point—until we know we can do it safely.

In my area, I hope the moratorium will be permanent.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I commend my colleague from New Jersey for developing this approach to make sure these companies pay for the damage they have done.

We are going to see today, as we saw the other day, a response from the other side. I hope they have the courage, the guts, to stand and say they are with the ordinary American taxpayers or maybe they will say: We like the other guys better—big oil.

Will the Senate stand with the fishing industries and the hard-working men and women who make a living providing sustenance to our Nation or will it continue its stand with big oil? They need all the help. You heard from our colleague from Maryland about their earnings, incredible earnings. BP, in a quarter, had its earnings increased by $3.2 billion—earnings, not revenue.

So the choice is an easy one: You can stand with the guys who got so much that they are gouging the public or do you want to stand with the working people?

Will the Senate stand with the coastal communities whose families are left jobless, homeless, and hopeless or will it stand steadfast with the big oil companies, as it has done?

Last week, we got an answer. Senators MENENDEZ and NELSON and I asked our colleagues to join with us to end big oil bailouts by raising the liability cap for oil companies from a trifling $75 million to $10 billion. Our colleagues stayed true to the big oil companies. They wanted to make sure they blocked any attempt to pass a bill that would raise their liability.

So here we are again urging our colleagues to stand for the American taxpayers who are sick and tired of bailouts. We need to hold big oil accountable so the gulf coast communities don't meet the same fate as those families whose lives were ruined by the Exxon Valdez accident over 20 years ago. We have to hold them accountable because the American taxpayers are staring down the barrel of a disaster that is currently said to exceed $1 billion in monetary damage.

The fact is, the amount of the monetary damages from the spill in the gulf is on track to surpass those from the Exxon Valdez. As the first Senator to visit Alaska after the Exxon Valdez went ashore, I saw the destruction caused by that oilspill firsthand. But even after issuing a string of apologies, Exxon fought over every penny with the communities and families and the fishermen whose lives were decimated.

We had a hearing the other day in the Environment Committee with three executives from BP, Transocean, and Halliburton. I asked the simple question: Is your company responsible for the leak? No, no, no. They were pointing fingers at one another. Nobody was willing to say they had an accident, they did this or that—no, not them. Later on I asked could they guarantee we would not have any more spills if there was drilling in the ocean, and they said they could not do that.

Mr. President, they are shamefacedly trying to protect themselves against a legitimate obligation they have. And our friends on the other side are not willing to say to those oil companies: Listen, you did it, you messed it up, pay up. Do what you have to as a corporate citizen and as a company that makes so much money you don't know what to do with it.

Once again, I commend my colleague from New Jersey for developing this program.

I yield the floor.

Mr. MENENDEZ. Mr. President, to summarize, this is very simple: Whose side are you on? Are you on the side of the taxpayers or multibillion-dollar oil companies? Are you on the side of fishermen, working hard to make a living, or on the side of multibillion-dollar oil companies? Are you on the side of the small inns that benefit from the tourism in the gulf region or on the side of multibillion-dollar oil companies? Are you on the side of the coastal communities that are going to be affected by virtue of the spill or on the side of multibillion-dollar oil companies?

Because of the fierce urgency now, we believe it is necessary to ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 3305, the Big Oil Bailout Prevention Liability Act of 2010, and that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I reserve the right to object, and I am going to object in a minute, but I agree with a lot of things that were said by the Senators from New Jersey.

I say to the Senator from New Jersey, I was also there 20 years ago at the Exxon Valdez, which was a transportation accident. We were very much concerned about the recovery. We need to increase the caps. I understand that. But I do agree with the President—he left that blank—because we don't know just how high that should be.

I disagree with the notion that you are either for or against big oil and all of that. Big oil would love to have these caps up there so they can shut out all the independents. We have independents in my State of Oklahoma, and right now 63 percent of the gulf's natural gas and 36 percent of its oil are produced by independents. What you are going to do if you raise the caps right now, precipitously, this high, you are going to help the five big oil companies, including BP, giving them exclusive rights, and help the nationalized big oil companies, such as those in China and Venezuela, and shut out the small and medium-sized independents. For that reason, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MENENDEZ. Is there still a minute remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes 50 seconds remaining.

Mr. MENENDEZ. Look, I regret that my distinguished colleague from Oklahoma has decided to object. I would simply say that if you are an ''independent,''—and some of these independent companies are valued at $40 billion—does that mean that because you are not the BPs of the world, you should have less liability? If this spill in the gulf was done not by a BP or an ExxonMobil or any of those but by some other entity, should there be less liability for them; therefore, they can take the risk and go ahead and drill, and if it works out, they get all the profits, but if they spill, their liability would be limited under the guise they were going to create a monopoly for the big five? I am for creating that liability across the entire range. If you are involved in a dangerous activity, one that can create enormous environmental and economic damage, then you should face the liability for such whether you are BP or you are some intermediate entity.

So I don't quite understand the nature of suggesting that we are going to try to give the big companies some form of monopoly. Actually, it seems to me what we are doing is using that argument—and I have heard this argument several times—to not create the liability that is necessary for everybody, so that regardless of who creates this set of circumstances and has a spill and therefore fishermen, shrimp fishermen, seafood processing companies, tourism, coastal communities, and our environment are damaged, they should be let off the hook because they are not as big as BP.

Mr. NELSON of Florida. Would the Senator yield?

Mr. MENENDEZ. I would be happy to yield to my colleague from Florida.

Mr. NELSON of Florida. I thank the Senator for yielding.

Isn't it interesting how all the different companies are pointing at each other now? And the real question is, Is it going to be the taxpayer who will pay for this or will the responsible parties? Why should someone say no to raising the liability simply because they say it ought to be tied to the size or the profitability of the particular company? It makes no sense.

Mr. MENENDEZ. I am happy to yield to my colleague from Minnesota.

Ms. KLOBUCHAR. Mr. President, I recently saw firsthand the miles and miles of oil slick in the Gulf of Mexico. The scope of the disaster is staggering, and an oil rig the size of a football field shouldn't suddenly explode in a massive fireball and threaten the entire coast of our country. But beyond that potential, if they closed the Port of New Orleans, think of the effect that would have on Minnesota or the effect it would have on other parts of our country. And I don't believe the taxpayers of this country should have to pay for that.

That is why I support the Big Oil Bailout Prevention Liability Act, which will help ensure that the current liability gap for a single oilspill will not apply to the gulf coast oil disaster and make sure that BP—a company that just a few weeks ago flouted its record profit of $6 billion in the first quarter of this year alone—will pay for this and that the taxpayers of this country—already burdened with the cost of the difficult economic times and what Wall Street has done—are not stuck with the bill.

Mr. President, I am supportive of the work my colleagues have done, and I thank Senators MENENDEZ, NELSON of Florida, and LAUTENBERG for their efforts.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me just make one comment. I don't very often agree with President Obama. Right now, he is unsure what that level should be. I am unsure what that level should be. Maybe it should be the level we are talking about right now, and it may end up there, but we just don't know that.

We know that what the Senator from New Jersey and I experienced up at Exxon Valdez some 20 years ago was not adequate, so that is why we passed the legislation. It should be upgraded. Certainly, we need to raise these limits. Where it should be raised, I don't know. I don't know where the cap should be. We are going to have to find out as this thing moves along.

I would only say this: If you have it up too high, you are going to be singling out BP and the other four largest majors and the nationalized companies, such as China and Venezuela, and shutting out the independent producers. I don't want that to happen. Let's wait and see where that cap should be.

Mr. MENENDEZ. Would the Senator yield for a question?

Mr. INHOFE. I would, yes.

Mr. MENENDEZ. I thank the Senator for yielding.

So is it my understanding that because of your concern about these other independents, let's call them, you would allow them—if they were the cause of this incident—to limit their liability just because they are small?

Mr. INHOFE. No. My answer to the question is, as I said, we don't know where that cap should be. You are coming up with a cap that might end up being the appropriate cap for everyone. But my understanding now would be that the only ones who would be able to live up to that cap would be the five majors and the nationalized companies. If that is the case, yes, I would say we need to have that opened so that we are not just allowing the majors as opposed to the independents. But let's wait and see where the cap should be. Maybe it should be that high. We don't know yet, President Obama doesn't know yet, and I don't know yet. That is the reason I object.

Mr. MENENDEZ. Will the Senator yield for one more question?

Mr. INHOFE. You can ask, but I am going to have to leave here. Go ahead.

Mr. MENENDEZ. If, in fact, it is—I think everybody clearly believes this consequence in damages is at least $10 billion—some have suggested it should be an unlimited cap. If that is the figure, your concern wouldn't stop you from putting it at that figure and making sure all the independents——

Mr. INHOFE. I would repeat, it is too early to come up with a figure, and I think the President agrees with that. Let's see what kind of cap should apply.

HEALTH CARE REFORM

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to speak for a few moments this morning about a subject that is on the minds of many Americans and I think should still be on the minds of everybody in this Chamber because the health care bill that was passed and signed into law recently is going to have impacts across this country for some time to come.

I am interested in the discussion that has occurred here on the floor of the Senate over the past several weeks, as Senator BARRASSO from Wyoming—who also happens to be an orthopedic surgeon, a physician—has come to the floor to engage in a series of remarks, what he calls the ''second opinion.'' I think his second opinion series of remarks here on the floor has been extremely well pointed in illustrating, in many respects, what is wrong with the health care bill and why this is not something that is going to improve the lives of most Americans but, in fact, is going to worsen the lives of most Americans because they will be faced with higher health care costs, higher taxes, and probably higher deficits for years and years to come.

There is a lot of supporting data now, validation of those arguments we heard during the course of the health care debate. The Democrats, who were supporting it, as was the President, said this health care legislation was going to, No. 1, reduce health care costs for most Americans, and No. 2, reduce the deficit. Of course, they talked a lot about how it was going to extend the lifespan of Medicare as well, even though they were cutting Medicare and using those funds to create a new entitlement program. So all those promises made by the President and made by the Democrats here in the Senate when we were debating health care are now all being completely rebuffed by evidence that comes out all the time from those who study this issue closely.

Frankly, as we get more and more businesses trying to figure out how to interact with this new health care legislation, they are coming to the conclusion that it might be cheaper for them in the long run to drop their coverage and put everybody in the government plan, which is what we predicted would happen all along.

But I think probably the biggest bombshell—certainly the most damning piece of evidence—came out just a few weeks ago when the Actuary of Health and Human Services, HHS, came out with his analysis of the financial impacts the new law would have once it was passed and implemented. I wish to share a few things from that report because I think it is very important. It does, as I said before, illustrate exactly what Senator BARRASSO and others said throughout the course of the debate in the Senate when health care was under consideration.

The Actuary of the Department of Health and Human Services—bear in mind, this agency is supposed to look at these things in a totally objective, nonpolitical way—the Actuary concluded that the Federal Government and the country will spend $310 billion more under the new law than we would have without it. The Actuary's report went on to say that national health expenditures would increase from 17 percent of GDP, which is what it is today, to 21 percent under the new law. But what is interesting about this is that the $310 billion increase in health care costs they now say will result from the passage and implementation of this legislation is more than what would have happened had we done nothing. Had this body done nothing in terms of health care reform, health care costs would have gone up less than they will with this legislation. As I said before, this completely refutes any argument made by the other side during the course of this debate that their legislation would, in fact, drive down health care costs.

The Actuary has now concluded the point that we made throughout the course of the debate; that is, that health care costs will go up, not down; the cost curve will be bent up, not down; and for most Americans, health insurance premiums are going to go up as a result of this legislation. That is what the Actuary is now saying.

What is even more interesting about that report is it goes on to say that health care shortages and price increases are ''plausible and even probable'' under the legislation. The report suggests there will be perhaps as many as 15 percent of Part A providers—Part A providers are hospitals—that will become unprofitable within the 10-year projection period absent further legislative action.

In other words, up to 15 percent of hospitals would have to close as a result of this legislation. Because of that, the report says the law will jeopardize ''access to care for seniors.'' So all these promises about greater access, lower cost—the promises that were made during the course of this debate—are being completely now rebutted by the report that the Actuary came out with just a couple of weeks ago.

The other thing I think is important—we emphasized this as well during the debate—the Actuary concluded that new taxes that are going to be imposed on medical devices, on prescription drugs and insurance plans, were generally passed on through to consumers in the form of higher drug and device prices and higher insurance premiums.

Remember, during the course of the debate we said all the new taxes that will be levied on medical device manufacturers, pharmaceuticals, health insurance plans, would be passed on. This is clearly what they are suggesting as well. So not only do we get the double whammy, we get the whammy of higher insurance premiums, but we get the double whammy of higher taxes that are going to be borne by a lot of people across the country. That also is being substantiated and supported by the Joint Tax Committee, which took a good look at the distribution of the impacts of the tax increases in this bill. A lot of Americans are going to see their tax burdens go up as well.

With respect to the issue of the deficit—which, again, is something I will get to in just a moment—the Actuary notes the bill's Medicare provisions ''cannot be simultaneously used to finance other federal outlays—such as the coverage expansions—and to extend the [life of the Medicare] trust fund, despite the appearance of this result from the respective accounting conventions.''

Essentially what they have said is what they said in a letter in response to questions we posed about how this would impact the Medicare trust fund. Basically, the Actuary is saying what the CBO said; that is, you are double counting revenue, you are basically spending the same money twice. In other words, all the additional revenues that are supposed to become available because of reductions in Medicare benefits or reductions in Medicare payroll taxes that were going to extend the life of Medicare and also going to be used to finance the new health care entitlement program—that is what we said all along, and that is double counting. You can't spend the same money twice, and as a consequence of that you are going to see what they promised in terms of deficit reduction can be very different from what actually happens.

They went on to say that the CLASS Act, which is a long-term care entitlement program—described, believe it or not, by one of my Democratic colleagues as a Ponzi scheme of the highest order, the kind of thing Bernie Madoff would be proud of,—will result in net Federal cost in the longer term. The program is designed to someday down the road to pay long-term care benefits for people who pay premiums into that plan and will face significant risk of failure because of the way they are counting the revenue.

It says it is going to be ''a net Federal cost in the longer term'' because, obviously, when you take premiums today to pay for the unrelated provisions in the health care reform law, and then there is a demand for the CLASS Act benefits at some point in the future by the people who paid those premiums, you cannot use those revenues to pay for the benefits because they have already been spent. To assume otherwise is double counting that revenue.

So you have all this double counting that went on in the course of this bill which, again, as I said, understated the overall cost of the bill and also the deficit numbers I think were attached to it.

To me, this study, this analysis was absolutely a bombshell in terms of the impacts of the actual implementation of the health care bill. As I said, it completely refutes all the arguments that were made that it would lower costs, reduce deficits, and it would improve access. All three of those points are refuted by the analysis that was done by the Actuary at the Health and Human Services Department.

More recently, last week about this time, the Congressional Budget Office came out with a new report. They predicted that the health care overhaul will likely cost about $115 billion more in discretionary spending over 10 years than the original cost projections. So the promises that were made about deficit reduction as a result of this—it was going to somehow save $143 billion over a 10-year period—now are reduced by $115 billion because, as we said throughout the course of the debate, it is going to cost a lot to implement this bill both in the form of cost to HHS, as well as cost of the Internal Revenue Service, which is going to be required to now impose the individual mandate that will fall on a lot of people across this country and the penalties associated with that.

So we have all these implementation costs that are going to add an additional $115 billion in spending over the next 10 years which reduce dramatically any promises about deficit reduction, not to mention what I just stated in terms of the double counting that goes on.

My view on this is, not only is it not going to reduce the deficit, it is going to explode the deficit, particularly in the outyears when the demand for Medicare benefits comes and the demands of the trust fund for those people who paid into the fund and reached the retirement age—a lot of the baby boomers are going to require health care, the Medicare fund is going to be tapped for that, and there will not be any money there to pay for this program.

So you have the Actuary at HHS, you have the CBO coming out with new information which completely validates the argument we made during the course of this debate; that is, it is not only going to increase costs for most people across this country and increase taxes, but it is also going to have a detrimental impact on the budget and the deficit over the long term.

One of the promises that was made, the so-called good points in the health care bill, was that small businesses would benefit from a small business tax credit. That is something administration has been trying to sell to small businesses, putting out notices from the IRS that there are 4 million small businesses that could qualify for the small business tax credit. That kicks in in 2010. But, even there, as is now coming out, there is a lot of fine print I don't think people read very well.

The Chamber of Commerce said of all the small businesses in this country, about 78 percent of those small businesses are self-employed people. Self-employed people are not covered. Families are not covered under this. More important, there is a disincentive to hire people. We have an economy where we are trying to get jobs growing and come out of the recession and get people back to work.

This small business tax credit caps it. In other words, if you get up to 25 employees you are no longer eligible for it. If your average wage is $50,000 you are no longer eligible for it. So there is a real disincentive to pay people higher wages or hire more people because if you do, you are not going to be eligible anymore for the small business tax credit. A lot of those small businesses are saying: What benefit is there to me if I want to grow my business? Yes, I can take advantage of it for a short period of time—a very short period of time—but I am not going to be able, if I am at that threshold where I start hitting—first, it says it is available for businesses with fewer than 10 employees, then it phases out at 25.

But if you get to 24 employees and you are thinking: My gosh, I would like to hire another person; I no longer will be eligible for the small business tax credit, or I want to pay my employees higher wages but then I hit the $50,000 threshold—it is a real disincentive to create jobs.

One of the things that is being touted as a positive about this legislation is it is, in fact, a disincentive for us to get people back to work and to create jobs.

The overall impacts of this, I think, that are still out there I don't think we are going to know for some time. In fact, I don't think CBO has any idea about what this is going to cost in the second decade. They have estimates of the cost in the second decade. They can make some predictions, but they will admit there is tremendous volatility about that, and unpredictability, when we get into the second decade.

But one thing we know in the first decade, one thing we are finding out now as we get more analysis being completed, is in the first decade, according to the HHS Actuary, this is going to increase the cost of health care more than if we did nothing.

In other words, if we had done nothing and we still had health insurance costs going up as they were about double the rate of inflation, if we had done nothing we would have locked that in. But now we are going to continue to have health insurance costs going up, not only at that rate but a significantly higher rate to the tune of $310 billion in more, higher health care costs over the course of the decade.

If we look at how that impacts individual people across the country, most Americans are going to see their health insurance premiums go up. In fact, some of the provisions of the bill also, as part of the—it was just reported last week that this provision that would allow people to keep their kids on their health insurance plans until they are 26 years old will, in fact, increase health insurance premiums by about 1 percent. That is something that was hailed as one of the benefits or virtues of this legislation.

My point is, contrary to the assertions that were made during the course of the debate with respect to lower costs, deficit reduction, greater access—none of that, according to these studies and analyses, is going to be the case. In fact, it will be the opposite. We will see higher health care costs for most Americans. We will see higher taxes for a lot of Americans. We will see higher taxes for sure—for certain—for a lot of small businesses. And I think we are going to see a lot of businesses that are going to just say—and we have already seen reports of that, as a lot of these businesses look at the impact this would have on their bottom lines—it will cost them a lot to cover their employees. It might be cheaper to pay the penalty and to just shove them into one of the government-run exchanges. I think that is something we have yet to see the impact from.

My prediction would be we will see a lot of small businesses, and for that matter a lot of large businesses, that will come to that conclusion and say it makes absolutely no sense for them to continue to provide health coverage for their employees when they can have the government do it and save their companies a lot of money.

So I think the unintended consequences are something we have yet to see, but we do know for certain the consequences of this legislation, these analyses that have been completed, and studies that have been done by those who are supposed to know a lot about this subject—by that I mean the Actuary at the Health and Human Services Department, as well as the Congressional Budget Office—they are now seeing higher insurance costs, higher premiums, and a significant reduction in the so-called deficit reduction that was promised by the administration.

Furthermore, because of the double counting that is done and the way in which Medicare revenues are double counted—CLASS Act revenues are double counted—even for that matter Social Security revenues, payroll taxes are double counted in this—dramatically understate the deficit impact and the long-term debt implications of this legislation and what it will mean to the next generation of Americans who are going to be stuck paying our bills.

I say all that, not to be the Grim Reaper. We tried during the course of this debate to illustrate as much as we could these very points. We tried to offer amendments that we thought made more sense in terms of controlling costs; to actually address the actual underlying drivers of health care costs in this country as opposed to just expanding coverage, which is essentially what the legislation did. It will cover more people. In some ways it will cover more people by putting more people into Medicaid which will pass on more mandates and more costs to our States.

We have already seen a lot of Governors across the country reacting to that, talking about that, how we are going to pay for that. But there is an additional 34 million people, additional people, who are supposed to be covered in this legislation; about 16 million of those are already going into the Medicaid Program which already under-reimburses providers and also imposes huge new costs and new burdens on our State governments.

There is not a lot of good news to report about this. I think that is going to be the case. I think, regrettably, we could have gone a different direction. We should have gone a different direction. But that being said, we are where we are. I hope over time we will have an opportunity to revisit this issue. If we do not, it is going to have a dramatic impact on future generations, on our economy, both in the short term and long term, as a result of higher costs built into the cost structure for health insurance, higher taxes that will impact small businesses and families across this country, and higher deficits for which future generations are going to be assessed and have to pay.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

BAILOUTS

Mr. GREGG. Mr. President, I know we are in morning business. But at the conclusion of morning business I will be offering an amendment which I understand is the next one in order. Since there is nobody taking the morning business time, I will take that time to begin the discussion of that amendment.

The amendment which I am proposing goes to this whole issue of who the taxpayers of America should bail out. I personally don't think they should bail out anybody, to be honest with you. They certainly should not be bailing out financial institutions that have gotten too big. They should not be bailing out automobile companies that have overextended themselves and are doing a poor job. They should not be bailing out other countries. They certainly should not be bailing out States and local governments that are about to default on their debt.

It is very hard to explain to a citizen of New Hampshire or Illinois, Connecticut, New Jersey, Pennsylvania, why their tax dollars should go to bail out a State which is about to default on the debt it has run up because it has been irresponsible in its spending. The obvious State that comes to mind is the State of California, which has very serious problems. But they are self-inflicted problems. These are not problems which were created as a result of some general problems across the country, and they were not problems created, for example, by an event—an environmental event or emergency such as Katrina.

They were totally self-inflicted problems. The question is, Should the American taxpayer, all the rest of us in this country, be put in a position where we have to bail out that State? I do not think we should. That is what my amendment is going to go to.

But I see now the Senator from Florida has arrived. He has the morning business time we are in.

I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

GULF OILSPILL

Mr. LeMIEUX. Mr. President, I wish to thank my friend and colleague from New Hampshire for allowing me to take some time on the floor this morning. If I may, I wish to speak about an issue that is of great impact to Florida; that is, this oilspill. This is not the first time I have come to the floor to speak about the potential impact this gulf oilspill may have upon the coast of Florida.

I have called upon British Petroleum to set up a $1 billion fund, a replenishing or evergreen fund, if you will, so we can get to work to get ready to prepare, if this oil is to come ashore, to mitigate its effect, to prevent, as much as possible, the oil from coming ashore.

So far, there has been $25 million given to Florida and other Gulf States, another $25 million is coming for advertising purposes. The good news is, we believe the oil is not ashore yet. But there is some disturbing new information.

This morning, I had the opportunity to speak to RADM William Baumgartner of the Coast Guard. Reports yesterday afternoon tell us some tar balls have washed ashore in Key West, FL. That is far ahead of any projections of oil from this spill being put onto the Loop Current in the southern part of the Gulf of Mexico and coming in contact with the southernmost point of Florida. It was not expected that that would happen for several days. But it could be that the oil is far more spread out than we anticipated. It is not unusual for there to be oil to come upon the shore of Florida or any other Gulf States. In fact, it naturally occurs. We know from the Florida Department of Environmental Protection that there were at least 600 reports in the past 2 years of tar balls and things such as that because, as we have come to find out, this is a naturally occurring phenomenon as well, that oil will seep from the ocean floor and potentially come upon our shores in the form of tar balls and other small things.

But the concern is, these 20 tar balls that came upon the shore yesterday in Key West are from the gulf oilspill. If that is the case, the oilspill is far larger and has spread far more quickly than we could have anticipated.

Right now those samples of those tar balls are being sent for research and evaluation to determine whether they are, in fact, from the oilspill that happened now almost 1 month ago. Whether those tar balls are from the disaster or whether they are naturally occurring, we know this oil slick is spreading. We know it is going to get into the Loop Current, the Loop Current which will then bring that oil down close to the Keys, potentially all the way up the Atlantic side of Florida.

We cannot wait to find out what is going to happen. We cannot wait to pay claims after damages have already been incurred by the people of Florida. Florida is reliant upon the beauty of its State for its economy. We have actually more than 80 million tourists who come to Florida each year, more than a $65 billion tourism industry. Recreational saltwater fishing has a $5 billion impact on Florida and is responsible for more than 50,000 jobs. Recreational boating has an $18 billion impact. We have more registered boaters in Florida than any other State in the Union. Some 90 percent of Florida's population lives within 10 miles of its coast. We are the State, besides Alaska, with the largest coastline and more beaches than any other State.

There have been a lot of problems here. One, why did this spill happen; the failure of regulation by the Department of the Interior, the lack of a quick response by this administration, and a lack of a quick response by British Petroleum, mistakes being made at the scene; why did the blowout preventers fail, all the other things we have read about and heard about. We are having hearings in Congress on what caused this tragic incident to happen in the first place.

We are going to get to the bottom of all those things. Right now we need dollars in the hands of our States in the gulf, to get together our volunteers, our businesses, our local governments, county, city, and State, to try to prevent this oil from coming ashore. We need a flotilla of Florida boaters out there trying to scoop up these tar balls before they come ashore.

We need a volunteer effort not unlike what we had in World War II in Europe, where the British came to Dunkirk and rescued the military and brought them ashore when they were fleeing. We need to get the Florida volunteers, senior citizens and others, on the beaches getting ready to help mitigate this damage that I think, unfortunately, is going to come ashore.

We need the funds to do that today. We do not need them a month from now. We do not need them 6 months from now. We do not need them a year from now to pay claims. We need to do everything possible to keep that oil from coming ashore. If we do that, we can keep our economy, our tourism economy strong. Right now, people need to know they should still be coming to Florida to fish, still be coming to Florida for a beach vacation because the oil has not washed upon the shore in west Florida, on the panhandle, and we only have these 20 tar balls in the Keys. Let's hope that is the end of it.

I did not want to miss this opportunity to come to the floor to make the point again that we need to make sure the money comes now. Senator VITTER and I and others have filed legislation to make sure oil companies are responsible well beyond the $75 million cap for damages to communities that are impacted by these oilspills. It is focused on profits, more than it is focused on a $10 billion cap, which is a proposal that my friends and colleagues have proposed.

Why does it make more sense? Well, based on profits, we know BP may be liable for up to as much as $20 billion for this incident. That is more money to help pay for this. Second, if you just put it on $10 billion, we are only going to have two or three oil companies in this country because no other oil company will be able to get into the business because they will not be able to afford the potential $10 billion cap.

If you do not have enough money to pay for it, $10 billion is pretty illusory anyway. What we need to be focused on is making sure those responsible can pay and pay enough to make sure we solve the problem. A lot needs to be done.

A lot of questions need to be asked. A lot of answers need to be forthcoming. But right now we need the dollars to protect our shorelines and our beaches.

I see my colleague and friend from New Hampshire is ready to speak again.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Morning business is closed.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3217, which the clerk will report.

The assistant legislative read as follows:

A bill (S. 3217) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Pending:

Reid (for Dodd-Lincoln) amendment No. 3739, in the nature of a substitute.

Brownback further modified amendment No. 3789 (to amendment No. 3739), to provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers.

Brownback (for Snowe-Pryor) amendment No. 3883 (to amendment No. 3739), to ensure small business fairness and regulatory transparency.

Specter modified amendment No. 3776 (to amendment No. 3739), to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such act.

Dodd (for Leahy) amendment No. 3823 (to amendment No. 3739), to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

Whitehouse modified amendment No. 3746 (to amendment No. 3739), to restore to the States the right to protect consumers from usurious lenders.

Dodd (for Cantwell) amendment No. 3884 (to amendment No. 3739), to improve appropriate limitations on affiliations with certain member banks.

Cardin amendment No. 4050 (to amendment No. 3739), to require the disclosure of payments by resource extraction issuers.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate, equally divided and controlled between the Senator from Connecticut, Mr. DODD, and the Senator from New Hampshire, Mr. GREGG, or their designees, prior to a vote in relation to amendment No. 4051.

The Senator from New Hampshire is recognized.

AMENDMENT NO. 4051

Mr. GREGG. Mr. President, I sort of did a trailer version of this bill a few minutes ago while we had some time in morning business. But let me discuss the amendment again.

The PRESIDING OFFICER. Will the Senator call up his amendment.

Mr. GREGG. I call up amendment No. 4051 and ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4051 to amendment No. 3739.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit taxpayer bailouts of fiscally irresponsible State and local governments)

On page 18, between lines 17 and 18, insert the following:

SEC. 5. PROHIBITION ON THE USE OF FEDERAL FUNDS TO PAY STATE OBLIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to purchase or guarantee obligations of, issue lines of credit to or provide direct or indirect grants-and-aid to, any State government, municipal government, local government, or county government which has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(b) LIMIT ON USE OF BORROWED FUNDS.—The Secretary shall not, directly or indirectly, use general fund revenues or funds borrowed pursuant to title 31, United States Code, to purchase or guarantee any asset or obligation of any State government, municipal government, local government, or county government or to otherwise assist such governments, in any instance in which the State government, municipal government, or county government has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(c) LIMIT ON FEDERAL RESERVE FUNDS.—The Board of Governors shall not, directly or indirectly, lend against, purchase, or guarantee any asset or obligation of any State government, municipal government, local government, or county government or to otherwise assist such governments, in any instance in which the State government, municipal government, local government, or county government has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government. Notwithstanding any other provision of law, no Federal funds may be used to pay the obligations of any State, or to issue a line of credit to any State.

Mr. GREGG. Mr. President, this amendment is pretty simple. It says American taxpayers should not be put on the hook for States which have been profligate. It says, specifically, that: Federal funds cannot be used to purchase obligations of States or local communities that are in default or are about to default, unless those States have gone through some sort of crisis such as the Katrina situation.

But if the default that the State or local community is about to experience is the function of their failure to discipline their fiscal house, then we are not going to ask the taxpayers across this country to support that error in judgment and that misguided fiscal policy of that State or that local government.

If we do not have this type of rule in play, basically we will be setting up a situation where the American people will become the guarantor of inappropriate actions across this country by legislators and city governments. You will have this untoward situation where you will basically create an atmosphere that there is an incentive for State governments and local communities to not be fiscally responsible.

It is this moral hazard issue. We debated it at considerable length when we discussed too big to fail in the banking system. This bill has a lot of issues, as far as I am concerned, but one of the things it actually handles reasonably well is the issue of too big to fail. It does need some adjustment. But it basically handles that issue pretty well.

We have designed language in this bill between Senator DODD and Senator SHELBY, which essentially says: No longer will the American taxpayer be presumed or in any way expected or have any obligation at all to support a financial institution which has gotten too large and has taken on too many risky decisions and is therefore in fiscal distress. That institution will fail. Its stockholders will be wiped out. Unsecured bondholders will be wiped out and the American taxpayer will not come in and defend that situation.

Too big to fail ends with this bill, hopefully. But it should apply also to States and local governments. We should not create the moral hazard of having taxpayers in New Hampshire or taxpayers in Nebraska or taxpayers in New Mexico responsible for profligate activity in other States.

In fact, many of our States, of course, have balanced budget requirements. In fact, in Nebraska, they do not even allow any debt, period. They have a constitutional amendment that says, there can be no debt. So they are extremely disciplined, these States, in the way they handle their budgets.

The taxpayers and the citizens of those States expect their leaders to be disciplined. So how can we ask those taxpayers and those citizens in those States that have been disciplined, who have elected people who are willing to live within their means as they govern, whether it is at the community level or at the State level, how can we ask those citizens across this country to go in and bail out other States and our communities that have been totally undisciplined in managing their fiscal house and have put themselves at huge distress and have defaulted on their debt or are about to default on their debt?

This is not acceptable. If we are going to have a bill which addresses the issue of too big to fail, it should apply to this type of a situation. So I have offered this amendment. It is very simple, as I said. It prohibits Federal funds from being used to purchase or guarantee obligations of States and local communities that are in default or about to go into default.

It is a pretty strict standard, pretty clear. If you have a State that for reasons of its own making has created a fiscal mess of inordinate proportions and cannot pay its debt, it cannot come to Washington and say: We want you to bail us out.

That is not right. That is not appropriate. So this bill bans that sort of an event from occurring. Why do we need to do this? It is pretty obvious. There are a couple States in this country that have been irresponsible in their spending, that have not disciplined themselves, and that, I think, are expecting everybody else in this country to bail them out.

I sure do not want to be part that. I do not want my taxpayers in New Hampshire to be part of that. It is not fair that they should be part of that. Those States are going to have to figure out how to straighten out their own fiscal house. They should have to do that within the terms of their own spending streams and their own revenue streams.

They should not expect the Federal Government to come in and take them out of their distress, which was self-imposed and self-created. There is an exception in this bill. There is this language so that if a State is put into severe distress because of an emergency situation, such as a Katrina-type situation, this would not apply. Obviously, it should not apply then.

If it is a self-imposed event, simply resulting from the human nature of legislators and city councils to sometimes spend a heck of a lot more money than they have and that they can take in under their structure, they should have to pay for it and figure out how to deal with it themselves. They should not pass that problem on to the American people by financing it through Washington. It is consistent with the theme of this bill that there should be nothing that is too big to fail in this country, including State governments and local governments or financial institutions. I hope my colleagues will support the amendment.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, as I take the floor today, my colleagues and I are caught up in a momentous debate over the shape of our Wall Street reform bill.

This legislation will not only help secure America's continuing economic recovery, it will also help prevent this kind of economic crisis from happening again in the future.

It would create commonsense regulations designed to keep major institutions from gambling with America's economic stability, and it would extend a helping hand to the underserved populations that are currently suffering the most especially minority individuals and the elderly.

I believe when the history of this economic crisis is written, we will judge that its most damaging legacy was the harm it did to people's savings and investments.

It wiped out stock portfolios and 401(K)s. It forced many fixed-income retirees to go back to work, and it undermined the hard-earned retirement security of an entire generation of Americans. So it is time to take action.

We need to do everything we can to protect people's savings, investments, and retirement security.

In a broad sense, this means limiting the risk that big firms can pose to the economy as a whole, and shoring up our overall financial stability. But it also means we need to guard against fraud and abuse.

We need to prevent scam artists and people like Bernie Madoff from taking advantage of hard-working Americans, so folks can breathe a bit easier, so people know that their money is safe.

Today, many Americans—including 39 percent of minority households—invest in the financial markets.

Most of these folks expect their portfolio to be there for them when they retire.

But when big companies sell risky investment packages, and then bet against those investments—when companies have no incentive to be honest about high-risk opportunities—regular folks are bound to get the short end of the stick.

That is why we need to institute basic rules of the road—to cut down on fraud and misrepresentation, and make sure financial institutions are operating fairly.

That is why our Wall Street reform bill includes a number of key protections for American investors.

Our legislation would create a new program at the Securities and Exchange Commission which would mandate an annual assessment of all internal supervisory controls, and encourage folks to report violations.

It would establish a new Office of Credit Rating Agencies to strengthen regulation, expose hidden risks, and make sure a warning system is in place so we are never caught off guard again.

Our bill would also require companies that sell mortgage-backed securities to hold on to at least 5 percent of the credit risk—or meet underlying loan standards—so their performance is tied to the products they are distributing.

It would require these companies to be more transparent about the assets that underlie these securities, and more straightforward in their quality analysis.

Finally, our legislation would give a company's shareholders the right to a nonbinding vote on executive pay so pay can be brought in line with performance, and these folks can make their voices heard.

Together these measures would help to bring transparency and stability back to the financial markets.

This would bolster the integrity of people's investments, and would help ensure that their retirement savings are secure.

There will always be risk associated with making investments, and that is exactly as it should be.

That is how our free market system is designed to work.

But we need to eliminate the possibility that fraud and abuse can undermine the security of our entire economy.

We need to pass rules of the road that will keep financial institutions honest, so ordinary Americans will be protected from serious harm at the hands of those they entrust with their savings.

I yield the floor, suggest the absence of quorum, and ask unanimous consent that the time under the quorum be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I joined the Senate Banking Committee about a year and a half ago, shortly after failures on Wall Street forced a taxpayer bailout. Bear Stearns, AIG, and other pillars of our economy had collapsed, and we learned that our financial system was built on a foundation of sand. The crisis on Wall Street hit Wisconsin households hard. Families lost their homes, workers lost their jobs, and retirees lost their life savings.

Seventy years ago Congress reacted aggressively to our gravest economic crisis, and put us on the road to prosperity by creating new regulations and institutions that avoided a meltdown for generations. By creating agencies like the Securities and Exchange Commission and establishing margin requirements, the Federal Government helped put the markets back on track.

We are now called on to set up rules to put our economy on the right track just like we did in the 1930s. For over a year, the Senate Banking Committee held hearings to study the financial crisis. We know that the conditions that led to this mess did not occur suddenly in 2008, and these problems cannot be fixed overnight.

Wall Street needs accountability and transparency to avoid future financial meltdowns. The legislation we are considering takes vital steps to end ''too big to fail,'' bring unregulated shadow markets into the light, and make our financial system work better for everyone.

This bill protects Main Street jobs by focusing on Wall Street, where the crisis began. Community banks and credit unions have continued to act responsibly, and should not be subject to new layers of regulation that will impede their business.

The bill also protects consumers, and I would like to thank Senator AKAKA for working with me on the consumer protections in title XII of this bill. This title will help mainstream financial institutions make small loans on affordable terms to people who are currently limited to riskier choices like payday loans. This title will also help Americans get bank accounts, and encourages banks to offer financial education to their customers.

I would also like to thank my friend and Chairman CHRIS DODD for his leadership on this legislation. Fixing our financial system is a complex challenge, and Chairman DODD has worked tirelessly to get this done right. He has been called upon to do so much in this Congress, and he has done it all with fairness, wisdom, and good humor. We will miss his steady hand in the future.

I hope the Senate will continue to work in a bipartisan manner to complete this important bill. Our economy is slowly recovering from a devastating shock, and we must ensure that our progress is built on a more secure foundation. Continuing business as usual on Wall Street is not an option.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak on the Gregg amendment and ask unanimous consent to be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. It is important we recognize what a fiscal crisis we face in the United States. Today, America's public debt stands at over $12.9 trillion. Regrettably, that will be on our children's and grandchildren's credit cards. We have, just last year, raised that debt by $1.4 trillion, and it will be $1.6 trillion added this year. This mountain of debt is going on the backs of our children and grandchildren. We will have to pay the interest on it, but they are the ones who will bear the real burden. Taxpayers are already bailing out Wall Street and failed banks with $700 billion; GM and Chrysler, $80 billion; the toxic twins, Fannie Mae and Freddie Mac, more than $1.2 trillion. We have tried unsuccessfully to deal with Fannie and Freddie in this financial regulation bill. When we look at the cause of the financial crisis, it is the subprime market, the bad home loans that were enabled by Fannie and Freddie being willing to purchase them. In my humble estimation, we should not pass a financial regulation bill designed to prevent a reoccurrence of the crisis which we have just gone through without dealing with Fannie and Freddie.

But when you look at the budget deficit, taxpayers are on the hook for $1 trillion in a failed stimulus package which only created jobs in the governments. It was a government expansion, not a measure to create jobs in the private sector.

The President and majorities in Congress have also recently created a new taxpayer-funded entitlement for health insurance. Many of us in December were pointing out the fact that this bill would add to the debt, it would drive up costs of private health insurance, it would limit the ability of seniors on Medicare to get their services by cutting the amount of money going into Medicare, and it would lead to higher taxes.

Funny thing, the new Actuary at the CMS has just come out and repeated those same four things. The health care bill is not only going to drive up private insurance costs, you are not going to be able to keep the same plan you had, it will continue to squeeze down the services Medicare recipients can receive, and it will add to the deficit and, thus, the debt.

But how much more debt and how many more unfunded liabilities can we take on before destroying the economy? What is happening in Greece, regrettably, could happen here. I strongly support the Gregg amendment, which will ensure that taxpayer funds are not used to bail out States.

We talked about too big to fail in terms of financial institutions. We ought to be talking about it in terms of governments. We adopted an amendment saying we should not use taxpayer money to bail out Greece. But we should not be in the position where we would be called upon to bail out States which have been unable to get their spending under control and get their spending in line with their revenues.

I know a little bit about tight State budgets. When I was Governor of Missouri, we had to make tough decisions. I came back into office as Governor in 1981, with a huge deficit in the middle of the year, and we could not borrow money to cover that deficit. So we made major, drastic cuts in spending, and it was not pleasant. I was picketed by people who had to be laid off from the State government. But we readjusted and managed to provide services our State needed and put the State back on a sound financial footing.

States all across the country are taking tough steps. There are areas where they have agreed to go without services to get their budget back in balance. Most States do not have the ability to run deficits. Those that do have the ability to do that should not be operating on the false assumption that the Federal taxpayers and our children and our grandchildren will come back in and be asked to take the irresponsible and unacceptable task of putting a burden on residents of the States that have made the tough decisions and cut spending to pay for the mounting debt of other States that have spent their way into the red for years.

In fact, a bailout of States would create a disincentive, an ongoing disincentive, for State leaders to make tough decisions and implement necessary reforms to get their budgets in balance and future liabilities under control.

The Missourians I hear from are very angry. They are angry every day at spending money on things that are too big to fail. They are angry that the government continues to use their hard-earned dollars to help companies such as AIG and potentially to help a country such as Greece, which failed, instead of paying down our debt and cutting the runaway spending.

This bailout mentality must end. I thought that was one message we were going to carry with this legislation. I hope this legislation actually does, although I am concerned there are provisions that could enable the Federal Government to continue bailing out and taking over more businesses.

The Federal Government must not continue to be an enabler of those companies or those countries or States that continue to spend beyond their means. It is time for the leadership at the State, as well as the national level, to make the decisions necessary to put all of us on a sound financial footing.

I thank Senator GREGG for his strong leadership on budget issues and for offering this amendment, and I urge my colleagues to support his amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, let me thank the Senator from Missouri for his thoughtful and substantive discussion of this amendment. As a former Governor, I think he appreciates how tough it is to maintain balances in the State budget, and you have to make the very difficult decisions to make sure your State does not get its fiscal house into disarray and end up defaulting on debt. That would be the worst thing that could possibly happen if you were a Governor—or one of the worst things. In any event, he certainly did that when he was Governor. I tried to do that when I was Governor.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. GREGG. Mr. President, I ask unanimous consent that after the Senator from Connecticut has used up the time that was originally allocated to him, the remaining time between now and 12:05 be divided equally between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak on that remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I think the Senator from Missouri has made a superb case that it is inappropriate to set up a structure where States can be profligate or communities can be profligate and then basically throw the problems they have created on the rest of the country and the taxpayers of the rest of the country—whether they are from New Mexico or Missouri or Connecticut or New Hampshire. There is no reason why our taxpayers should pay for inappropriate fiscal actions by some other State or some other community. Rather, those States and communities should have to straighten out their own financial house and not expect that they can come to the Federal Government for a bailout if their problems have been self-inflicted, created by their own failure to discipline their fiscal house.

As I said earlier in the discussion, a lot of States have a balanced budget amendment. I am not sure whether Missouri did—New Hampshire did not—but we understood if we did not run fiscally responsible budgets in New Hampshire, we would find our debt downgraded. That is what we were worried about—to get to the point where you might actually default, which would be, as I said, a totally terrible situation.

But in States that have balanced budget amendments, States which have worked very hard to keep their fiscal house in order, the taxpayers of those States should not have to suddenly step up and take care of the taxpayers of another State that has failed to do that. It is not fair. It is not equitable. You certainly do not want to create that atmosphere because if you have an atmosphere where one State can throw its problems on to every other State, then you create an incentive for States to be profligate and irresponsible.

AMENDMENT NO. 4051, AS MODIFIED

With those comments, Mr. President, I ask to modify my amendment. I believe the modification is at the desk.

Have we shared the modification with the Chairman?

Mr. DODD. I believe so.

I ask the Senator, this is the modification?

Mr. GREGG. Yes.

Mr. DODD. As I understand it, the modification is a new paragraph:

(d) Limitation.—Subsections (a) and (b) shall not apply to federal assistance provided in response to a natural disaster.

Is that right?

Mr. GREGG. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it will be so modified.

The amendment, as modified, is as follows:

On page 18, between lines 17 and 18, insert the following:

SEC. 5. PROHIBITION ON THE USE OF FEDERAL FUNDS TO PAY STATE OBLIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to purchase or guarantee obligations of, issue lines of credit to or provide direct or indirect grants-and-aid to, any State government, municipal government, local government, or county government which has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(b) LIMIT ON USE OF BORROWED FUNDS.—The Secretary shall not, directly or indirectly, use general fund revenues or funds borrowed pursuant to title 31, United States Code, to purchase or guarantee any asset or obligation of any State government, municipal government, local government, or county government or to otherwise assist such governments, in any instance in which the State government, municipal government, or county government has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(c) LIMIT ON FEDERAL RESERVE FUNDS.—The Board of Governors shall not, directly or indirectly, lend against, purchase, or guarantee any asset or obligation of any State government, municipal government, local government, or county government or to otherwise assist such governments, in any instance in which the State government, municipal government, local government, or county government has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government. Notwithstanding any other provision of law, no Federal funds may be used to pay the obligations of any State, or to issue a line of credit to any State.

(d) LIMITATION.—Subsections (a) and (b) shall not apply to Federal assistance provided in response to a natural disaster.

Mr. GREGG. A parliamentary question: Mr. President, don't I have the right to modify without asking for unanimous consent?

The PRESIDING OFFICER. There was a time limit on the amendment. That did require unanimous consent.

Mr. GREGG. I thank the Chair.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the time until 12:05 p.m. be divided for debate with respect to the Gregg amendment No. 4051, and that at 12:05 p.m., the Senate proceed to vote in relation to the amendment, with the provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me address this amendment, if I can.

First of all, let me express my admiration and respect for JUDD GREGG. He and I are good friends. We have worked together on numerous issues over the years, so I have developed a great deal of respect for him. In fact, it was JUDD GREGG and a handful of others who made it possible, 18 months ago, for us to develop the emergency economic stabilization bill. Without his leadership and support, I think our country, unarguably, and, beyond our own borders, the world would have been in much more difficult economic shape—had it not been for his leadership, along with others who pulled together that proposal that passed this body 75 to 24 on that night in late September of 2008. So my admiration for Senator GREGG—and among other accomplishments he has had during his service here—is strong.

This proposal, however, goes way beyond anything I have ever quite seen here, which basically says the Federal Government cannot provide any help to States and local governments. Then the wording of it: even if you might be in trouble.

I go back and I think of New York City, a major metropolitan area of our country, which was in economic difficulties. I do not remember the history, exactly, of what occurred that brought the city to that fiscal brink, but it was serious enough, and there was a serious debate here that occurred before I became a Member of this body over what could be done to help put that city back on its feet again.

As a result of the efforts, both in New York, New York State, as well as here, New York recovered, paid back whatever it was it received in financial assistance, and, arguably, the most important metropolitan area of our Nation survived a fiscal disaster.

Again, now, through the IMF and the World Bank, we appropriate moneys each and every year to support international organizations that have as one of their purposes—or their purpose is to provide financial assistance and stability to nations that are struggling. In many cases, I suspect they are struggling for exactly the same reason my colleague and friend from New Hampshire has identified: They made bad choices, bad decisions. I am not suggesting their problems were afflicted by outside forces, although that could happen.

Certainly what we are watching today in Europe is a classic example, where you have other nations now in trouble because of one Nation's I will even call it fiscal irresponsibility. I am not sure that is the final conclusion, but let's call it that. Yet we find the declining Euro, we find debt in trouble in that country, so other nations are feeling the effects of it.

We have all seen where events could occur in our own country: The automobile industry in Michigan ends up in deep trouble. That has an impact on other States. It certainly affects the economy of Michigan. The idea is ''one nation,'' and we are one nation. We are not Europe where we have separate political structures and separate rules and regulations and one currency which pose difficulties. We are one people here, whether you live in New Hampshire or Connecticut or Arizona or Alaska or Hawaii or Texas or Oklahoma. Wherever it is, we are one people.

Lord knows, we do not want to reward irresponsible behavior on the part of a local government or a State. But the idea that we are going to terminate or not provide any kind of assistance because we have drawn the conclusion, in the wording of this amendment, as I read it in this language here:

> The Board of Governors shall not, directly or indirectly, lend against, purchase—

All these things we could do here—

> State government, municipal government, local government, or county government [that] has defaulted on its obligations, is at risk of defaulting, or is likely to default. . . .

Who makes that determination: ''is likely to default'' or ''is in danger of''? Is there some omnipotent force that is going to lean over all of this and say: I think such and such a county or such and such a State is ''in danger of''? That is pretty vague language here to decide, all of a sudden, regardless of the reasons.

We have excluded natural disasters. I appreciate that addition to this amendment. But there can be other factors which can contribute to these circumstances in a State.

Again, according to the language on the first page of the amendment, it says:

> Notwithstanding any other provision of law, no Federal funds may be used to purchase or guarantee obligations of, issue lines of credit to or provide direct or indirect grants-and-aid to, any State. . . .

I remind my colleagues that is a pretty broad, sweeping proposal.

Medicaid; the Children's Health Insurance Fund; the CDC's disease control, research, and prevention programs; the Special Supplementary Nutrition Program for Women, Infants, and Children; the Unemployment Trust Fund; Veterans Health Administration medical services; Department of Justice, State, and local enforcement assistance; FEMA—FEMA, I guess, may be excluded because of ''a natural disaster''—but the idea we would be depriving a State of these resources seems to me would only exacerbate the problem.

Again, I will acknowledge in certain circumstances local governments or State governments have made irresponsible choices. But you do not blame the entire population of that State or locality because some leadership has made a bad choice and then cut off Medicaid, nutrition assistance, and so forth. Do you blame a child living in a State because some Governor, a mayor, a county executive has made dumb decisions, and all of sudden, we say: ''I am sorry, you happen to live in that State. You are going to have to move. Go someplace else in order to get help''?

I, for the life of me, do not understand. I understand the frustration we all feel when we read about States and localities that could have made better decisions. But, again, I remind my colleagues here, we are one Nation—one Nation. ''E Pluribus Unum''—they are the words right above the Presiding Officer's chair—''from the many, one.'' We are many: Over 300 million in 50 States and hundreds and hundreds of jurisdictions across the country. Thank the Lord we are not just some collection of disparate entities bound together by a common currency and little else. We are bound together by much more as a nation.

So I hope my colleagues, at 12:05 or thereafter when we vote on this, would say respectfully to our friend from New Hampshire that this amendment ought to be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I admire the Senator from Connecticut and I appreciate what he has done in his efforts to stabilize the financial industry in this country. At the core of what he has done, of course, is to say: No more bailouts. That is essentially what this bill is about: No more bailouts; the taxpayers of this country will not step up and bail out large financial institutions which have taken actions which have put them at risk financially, and the only people who should bear that burden are the stockholders and the unsecured bondholders of those institutions.

What this bill also says is no bailouts, no bailouts for States which are in default or about to default on their debt. They are doing it not as a result of some external event forcing them into dire straits but because they simply spent their way into a fiscal situation where they can't pay their own debts. Why should the people of Connecticut, the people of New Hampshire have to bail out the people of California—let's be honest about this; this is about California, the people of California—because their government has been totally irresponsible in spending for a large number of years, has created a massive obligation, especially in their public pension programs, which they can't afford to pay? Why did they run up those obligations? So that people who were running for office in California could get elected. Just promise this, promise that, promise this, promise that. Then, the people in New Hampshire are supposed to pay to help those people get elected on those promises which they could never fulfill and for which they created obligations to pay for? I don't think so. I don't think that is fair or right.

If the people of New Hampshire and the people of Connecticut and the people of New Mexico have been fiscally responsible in the managing of their towns and their cities and their States and their counties, why should they suddenly have to pay for California which hasn't been? Clearly, they shouldn't. If we are going to have a no bailout bill, it ought to apply to California as well as to large financial institutions that have acted inappropriately and unwisely.

That is all this says. It doesn't say you are not going to be able to get your usual Federal assistance that comes through the usual course of action. That is a bit of hyperbole. I appreciate the intensity and energy of the Senator from Connecticut, but that is hyperbole. This is about not having Federal funds be available to States that are in default or about to go into default on their debt as a result of the actions of the State leadership as elected by the people of that State and not asking the people in the rest of the country to have to pay the cost of those inappropriate actions and those actions which were fiscally irresponsible. It seems like a proposal which is totally consistent with the basic purpose of this bill, which is to end bailouts.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will not take a long time to respond.

First of all, the distinction between a public company—and, again, my colleague is absolutely correct; we want to end bailouts of those companies, and we certainly want to discourage the kind of behavior that can put a county or a city or a community or a State in fiscal jeopardy.

But the legislation also looks backward. On page 2 of the amendment it says: ''Municipal government, local government, or county government which has defaulted on its obligation.'' So it isn't just those that may default. Orange County, CA, for instance, defaulted, and worked itself out of its difficulties. But now I am to understand that because Orange County was in default a number of years ago, got out of its difficulties, yet the adoption of this amendment would preclude Orange County potentially from getting any kind of assistance. I don't understand that.

Again, there are a lot of reasons, aside from natural disasters, why this can happen. Some of them have nothing to do—a major industry which all of a sudden finds itself departed. How many times have we seen a company located in a State or a locality, particularly a county, that is the major employer, employs thousands of people, all of a sudden go offshore. There is a dramatic decline in tax revenues that come in. So that community's obligations to its citizenry on education, health, highways, everything else, all of a sudden are in jeopardy. That is not mismanagement of the government. It is that company made the decision to leave. All of a sudden we find an area in trouble and they turn to their national government for some help, and we are saying: Well, because you are at risk of defaulting—not that you have defaulted; the language is, ''is likely to default or at risk to default,'' you can't get any help because you might be in trouble, not because you have done anything wrong necessarily but because it has happened to you. I just feel that such a step would be draconian, in the extreme, when it comes to the people of our Nation who, from time to time, need help with that list of obligations that would have to be curtailed if a community is likely to or is at risk of defaulting or has defaulted on its obligations. Over what period of time? Are we talking about 10 years, 20 years, over 100 years? How far do I go back to determine whether someone has defaulted? What were the reasons for it that occurred at that time? It provides none of that relief, except that maybe it was a natural disaster.

Ms. STABENOW. Would my distinguished colleague yield for a question?

Mr. DODD. I am happy to yield.

Ms. STABENOW. First, I would say to our distinguished chair of the Banking Committee that when you describe communities where businesses have collapsed and left communities struggling, certainly we have many of those in Michigan. Through no fault of the communities, and many times through no fault of businesses in terms of our recession right now, we have many communities in this situation.

Would the Senator from Connecticut agree that what we are talking about is not the cities or counties but the local communities and what happens? It is people. It is whether they are going to have a police force, police on the street or whether they are going to have the firefighters being able to answer if there is a fire or whether they are going to be able to pick up the garbage or whether they are going to be able to do snow removal on the streets. Aren't we talking about whether communities—people, families, and communities—if they need help, whether we would be able to respond to them? So it is not about the government; it is about whom it serves and the people who would be hurt through something such as this; would the Senator agree?

Mr. DODD. Mr. President, my colleague from Michigan is absolutely correct and that was the point I made earlier and she makes it even more strongly. Again, I don't want to sound like I am in a civics class, but we are not just sort of a collection of disparate States and communities, we are a country, we are one Nation. It has been a great source of our strength. Our country has been through difficult times periodically, obviously through some natural disasters, through some manmade disasters. We are dealing with one as we speak. That is not a natural disaster occurring in the Gulf of Mexico; that is a manmade one. People didn't put in the proper safeguards and all of a sudden we are looking at the worst environmental disaster maybe in our Nation's history.

What do we say to the States of Louisiana or Alabama or Florida, depending upon where these currents flow, and all of a sudden we find major industries—tourism, for instance, in the State of Florida. I don't know what percentage of the economy of that State depends upon tourism, but I suspect a pretty heavy number. All of a sudden beaches are closed on the west coast of Florida. Maybe that current brings it around to the east coast. All of a sudden hotels and resort areas are shut down. The economy begins to falter. A manmade disaster, created through the fault of some engineers or whoever else, of an oil company: What do we say if this amendment was adopted? I am sorry, Florida. It is in danger of defaulting or at risk of defaulting on its obligations because the revenues that would come into that State through the normal exercise of its business practices was affected not by a natural disaster but by one created through the fault, malfeasance or misfeasance of a company that caused this kind of danger—or Louisiana, which has already been through a natural disaster and is now facing this one, or Alabama as well and its coastline.

So, again, for all these reasons, I urge my colleagues to reject this amendment. I thank my colleague from Michigan for making her points.

I reserve the remainder of my time, yield the floor, and note the absence of a quorum. I ask unanimous consent that the time be charged equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3884, AS MODIFIED

Mr. DODD. Mr. President, on behalf of Senator CANTWELL and others, I ask unanimous consent to send a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of subtitle C of title I, add the following:

SEC. 171. LIMITATIONS ON BANK AFFILIATIONS.

(a) LIMITATION ON AFFILIATION.—Beginning 2 years after the date of enactment of the Restoring American Financial Stability Act of 2010, no member bank may be affiliated, in any manner described in section 2(b), with any corporation, association, business trust, or other similar organization that is engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation stocks, bonds, debenture, notes, or other securities, except that nothing in this section shall apply to any such organization which shall have been placed in formal liquidation and which shall transact no business, except such as may be incidental to the liquidation of its affairs.

(b) LIMITATION ON COMPENSATION.—Beginning 2 years after the date of enactment of the Restoring American Financial Stability Act of 2010, no officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, shall serve simultaneously as an officer, director, or employee of any member bank, except in limited classes of cases in which the Board of Governors of the Federal Reserve System may allow such service by general regulations when, in the judgment of the Board of Governors, it would not unduly influence the investment policies of such member bank or the advice given to customers by the member bank regarding investments.

(c) PROHIBITING DEPOSITORY INSTITUTIONS FROM ENGAGING IN INSURANCE-RELATED ACTIVITIES.—

(1) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, in no case may a depository institution engage in the business of insurance or any insurance-related activity.

(2) DEFINITION.—As used in this section, the term ''business of insurance'' means the writing of insurance or the reinsuring of risks by an insurer, including all acts necessary to such writing or reinsuring and the activities relating to the writing of insurance or the reinsuring of risks conducted by persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons.

Mr. DODD. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to speak for 2 minutes remaining on Senator GREGG's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4051

Mr. BOND. Mr. President, the argument has been made that this bill would somehow limit responses to natural or manmade disasters, a natural disaster such as a flood or a tornado, a manmade disaster such as what is occurring in the gulf.

I have read this language. It is very clear. It is talking about defaulting on obligations. It in no way restricts the ability of the Federal Government to respond to disasters.

I used to chair the subcommittee on the Federal Emergency Management Act, and when there was a disaster, we provided money for those disasters, to deal with those disasters. But one cannot continue to present unbalanced budgets and enact them into law and continue to drive up the debt and say it is because of a natural or manmade disaster.

That is a stupid decision. I don't think the taxpayers of the United States should be in a position of bailing out governments that make bad decisions and that, year after year after year, spend more money than they are taking in on their ongoing obligations. It has nothing to do with a sudden natural disaster or even a manmade disaster such as the spill in the gulf, which is partly natural and partly manmade. I agree that we should not stop providing assistance where there is such a disaster, but that is not the focus of this amendment.

I urge my colleagues who really believe we should not be promising to bail out profligate States that continue to spend more than they take in, we should not bail them out with taxpayer funds.

I yield the floor.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 40 seconds.

Mr. GREGG. Mr. President, I really think the Senator from Connecticut is sort of reaching in his arguments here. This is really about a State like California defaulting and the rest of us having to pay for it. That is what this is about. This is about a State that has been irresponsible, to be kind, with its spending and now finds itself in a situation where it cannot pay its debt. You know the legislators of that State are saying: Let's go to Washington and get the money so that we can get reelected on the basis of spending all this money. That is not fair. That is not how a federalist system is supposed to work. You cannot argue that the American system was set up so that when one State would be profligate, another State would have to pay for the cost of that profligateness.

The Senator's bill uses this same language. The Senator from Connecticut had phraseology that claimed my language as inappropriate on the issue of default and how he defined it, and it basically mirrors his language in title II. If it works in title II, it ought to work here.

The real issue is that we should not set up a situation where States and communities can expect to spend a lot more than they can take in, know they are spending more than they are taking in, run up a lot of debts they cannot pay, and then come to the rest of America and say: You pay our debts because we want to get reelected. That is what this is about. It is limiting the ability of States to act in a fiscally irresponsible manner and expect the country will stand behind them and bail them out.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I ask unanimous consent that the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Gregg amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—47

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Baucus	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Feingold	Risch
Bond	Graham	Roberts
Brown (MA)	Grassley	Sessions
Brownback	Gregg	Shaheen
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NAYS—50

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burris	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Stabenow
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lieberman	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—3

Byrd	Lincoln	Specter

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 50. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, in a minute I will note the absence of a quorum, but we are working on a consent agreement that would schedule two votes after the weekly caucus conference lunches. We will possibly be able to do that. We are trying to get that written up. As soon as we get it written up, I will present it. But I see my colleague from Texas is ready to speak, so I will yield the floor and let her go ahead.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I was going to speak on the amendment Senator LANDRIEU and I have, the Hutchison-Landrieu amendment. I will be happy to yield any time the chairman of the committee wishes to clarify. Until he does, I will speak on the

Hutchison-Landrieu amendment, which is an amendment that has been filed but is not yet pending.

This is an amendment that will provide a permanent exemption for publicly traded small businesses with less than $150 million from the costly reporting requirements mandated by section 404(b) of the Sarbanes-Oxley Act. In removing this great burden, our amendment will free small businesses to focus on the capital investment and job creation that we need now to get our Nation's economy back on the right track.

In 2002, Congress passed the Sarbanes-Oxley Act in the aftermath of the huge accounting frauds at Enron, Tyco, and Worldcom. This landmark bill was enacted to restore investor confidence in the wake of these shocking abuses by making it harder for companies to misrepresent corporate earnings.

Hindsight is 20–20, though, and, while the Sarbanes-Oxley Act was well intentioned, it has created unexpected and unprecedented costs for the small to medium sized businesses that serve as the backbone of our economy.

The main culprit of this immense burden on small businesses is section 404 of Sarbanes-Oxley. Here a public company is required to include in its annual report an assessment of the effectiveness of its internal control structure and procedures for financial reporting. The company's auditor must attest to and report on the company's assessment.

The compliance costs of section 404(b) have been far greater than expected. In 2009, the SEC reported that companies paid an average of $2.3 million to comply with section 404. When taking into account the size of a company, small businesses with less than $150 million in public float, or the shares held by outside investors, are disproportionately encumbered by section 404(b), facing a compliance cost that is seven times greater than large companies.

Small businesses are being forced to tie up time and money on burdensome amounts of paperwork. They should be directing these resources toward operations and capital investment that will create jobs and spur our economy toward recovery. The Hutchison-Landrieu amendment will fix this issue, ensuring that smaller public companies will no longer be subject to the cost burden imposed by section 404(b).

Under current SEC rules, small public companies with less than $75 million in public float are now exempt from section 404(b). However, this exemption expires in June. The Hutchison-Landrieu amendment builds on this existing exemption and takes into account recommendations from the SEC to increase the exemption. Our amendment will permanently exempt small businesses with less than $150 million in public float from the section 404(b).

I am pleased that my amendment has the strong bipartisan support of my colleague, the distinguished chair of the Small Business Committee, Senator LANDRIEU. I also thank our other cosponsors, Senator BOB BENNETT, Senator SCOTT BROWN, Senator CRAPO, Senator DEMINT, and Senator HATCH.

We are offering our amendment on behalf of the small businesses across our country that face this disproportionate burden. We have the support of: The Biotechnology Industry Organization, The Competitive Enterprise Institute, TechAmerica, The Association for Competitive Technologies, Advanced Medical Technology Association, and Technet.

These groups represent the companies that want to innovate. That want to grow. They want to excel. But their companies are spending vast amounts of money on compliance costs, and, according to an SEC study, this money is being misdirected. The SEC reports that 75 percent of companies believe that the attestations of auditors required by Sarbanes-Oxley have little to no impact on investor confidence. Thus, rather than devoting important resources to invest and create jobs, small businesses are spending millions of dollars on paperwork that investors don't even care about.

Our amendment also has the support of the Independent Community Bankers of America, and the American Bankers Association. Our community banks want to lend to worthy entrepreneurs and help jump start our economy. But our entrepreneurs and small businesses are hesitant to grow if they are hit with the high costs associated with 404(b) compliance.

We are also offering this amendment because of the unintended consequences on our initial public offering market brought by section 404(b). Since the enactment of Sarbanes-Oxley in 2002, IPOs in the United States have been lower each year than in every year of the 1990s. Even in 2006, the peak year of economic growth after Sarbanes-Oxley, the 162 U.S. IPOs were far below the 295 IPOs issued in 1991 when our economy was mired in recession. This drop-off in IPO's hit the map in 2008 and 2009, when, according to a Renaissance Capital report, the IPO level was lower than any period since the Vietnam war.

Why is this? Why are companies avoiding initial public offerings? Why are companies refusing to access the capital that the stock markets provide? Quite frankly, companies do not want to deal with onerous burden of Sarbanes-Oxley. And based on the costs I mentioned, who can blame them?

This provision incentivizes small businesses to remain private to avoid 404(b) altogether. Worse, it incentivizes small businesses to go abroad to markets such as the London Stock Exchange, which has advertised itself as a Sarbanes-Oxley Free Zone, to encourage our companies to do their IPOs there instead of in Ameirca.

Small businesses should not be incentivized to stop growing or list overseas. The Hutchison-Landrieu amendment also has the support of the New York Stock Exchange and NASDAQ, who want to see American companies list here and remain homegrown. Now more than ever, we should be encouraging our Nation's small businesses to invest in new jobs, plants and markets. Our amendment will help small businesses do this by reducing their paperwork costs. A similar measure was included in the House financial reform language, and with immense bipartisan support. I ask my colleagues to support the Hutchison-Landrieu amendment to permanently exempt small businesses under $150 million from Sarbanes Oxley section 404(b), to ensure that small businesses can fully devote their resources toward being the engines that drive our Nation's economy.

I ask unanimous consent to have printed in the RECORD the editorial that appeared today in the Wall Street Journal that is entitled ''The No-Cost Stimulus.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 18, 2010]

THE NO-COST STIMULUS

Senate Majority Leader Harry Reid wants a floor vote this week on financial regulatory reform, and he should first add at least one provision worthy of the name. Senators Kay Bailey Hutchison (R., Texas) and Mary Landrieu (D., La.) have offered an amendment to spare the smallest public companies from the worst bureaucratic horrors of the 2002 Sarbanes-Oxley law.

Sarbox, the Beltway's previous attempt at financial-regulatory reform, was intended to improve the information investors receive about public companies. The law did nothing to prevent poor disclosure at companies like Lehman Brothers but it did saddle the U.S. economy with billions in unexpected costs. Even the Securities and Exchange Commission, a Sarbox cheerleader, found in a 2009 survey that the average public company pays more than $2 million per year complying with the law's Section 404. The indirect costs may be much greater, as initial public offerings of U.S. companies have never returned to pre-Sarbox levels.

The SEC admits that compliance burdens fall disproportionately on smaller companies. This is one reason the two Senators aim to exempt companies with less than $150 million of shares held by the public from ''internal-controls'' audits.

These audits are piled on top of the traditional financial audit, and on top of a company's own internal-controls review. The result is that going public in the U.S., once the dream of entrepreneurs world-wide, has for too many company founders become something to avoid. If President Obama is hoping for an unemployment rate below 9%, encouraging these job creators is an obvious step.

Thanks to New Jersey's Republican Scott Garrett and Democrat John Adler, the House has already passed a similar reform. Now the Senate should allow America's most innovative companies to create jobs at no cost to taxpayers.

Mrs. HUTCHISON. Mr. President, this editorial that appeared in the Wall Street Journal today says we can have a stimulus that will cost taxpayers nothing by freeing our small businesses and especially our entrepreneurial and high-tech businesses from the burdens of all this paperwork and instead let them focus on growing, on listing their IPOs in America for the benefit of the American economy. That is what we should be doing, and that is what the editorial says.

I hope very much my colleagues will listen and we will be able to pass the Hutchison-Landrieu amendment, hopefully by voice vote. This should be a unanimous amendment passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I want to propound a unanimous consent request. It has been cleared on both sides. I ask unanimous consent that at 2:15 p.m., the Senate consider the following two amendments: Senator CORKER of Tennessee, amendment No. 4034, and Senator CARPER of Delaware, amendment No. 4071, which is side-by-side to the Corker amendment; that the amendments be debated concurrently for a total of 30 minutes, with the time equally divided and controlled between Senators CARPER and CORKER or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Corker amendment, to be followed by a vote in relation to the Carper amendment, with no amendment in order to either amendment prior to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, earlier today I, along with 67 other Senators, sent a letter to President Obama on an issue that has concerned the Congress since the late 1980s.

Our letter, signed by more than two-thirds of the Senate, commends the President for conducting a comprehensive review of the U.S. Government's policy on antipersonnel mines. That review has been underway for some time, and I expect it will be completed later this summer.

It has involved consultations with the Department of Defense including active and retired U.S. military officers, the Department of State including current and former U.S. diplomats, key military allies, and humanitarian and arms control organizations. The review has examined the historical record, asked rigorous questions, and solicited a wide range of views.

I want to thank the Senators who joined me and Senator VOINOVICH in signing this letter, which states our belief that through a thorough, deliberative review the administration can identify any obstacles to joining the Ottawa Treaty banning the production, use, transfer and stockpiling of antipersonnel mines, and develop a plan to overcome them as soon as possible.

The treaty has been signed by 158 countries, including our NATO allies whose troops are fighting with our forces in Afghanistan and Iraq, and by every other country in this hemisphere except Cuba.

This issue has a long history, and I do not have time to recount it in detail today. But suffice it to say that 13 years ago the United States missed an opportunity to play a leadership role in the international effort to ban antipersonnel mines, which culminated in the treaty. Although our country declined to join the treaty then, as early as 1994 President Clinton announced to the United Nations General Assembly his support for ridding the world of antipersonnel mines, and a plan to develop alternatives to these weapons with the intent of joining the treaty by 2006.

That date came and went, alternatives were developed, and U.S. troops have fought in two wars without, to the best of our knowledge, using these weapons. In the meantime, most of our closest allies have renounced antipersonnel mines, and their militaries long ago made the necessary doctrinal and technological adjustments to meet their force protection needs in accordance with the requirements of the treaty.

Antipersonnel landmines, which are triggered by the victim, have no place in the arsenal of a modern military. They function like some of the IEDs used by insurgents in Afghanistan and Iraq that have caused so many casualties of innocent people, as well as U.S. and coalition forces. Landmines are inherently indiscriminate, and no matter how sophisticated the technology they do not distinguish between a combatant and a civilian. They can be dropped by aircraft or disbursed by artillery by the thousands over wide areas. In today's fast moving battlefield where mobility is a priority, they can pose as much of a danger to our own forces as to the enemy.

Thirteen years ago the Pentagon argued that we should continue to stockpile antipersonnel mines. They said these weapons might be necessary in Korea or in a mechanized war against enemy armor.

But ownership and control of the mines in the Korean DMZ have been transferred to South Korea, and the United States has renounced the use of these types of mines, including in Korea. While there is the possibility that one day we may find ourselves in a conventional war against a major world power, antipersonnel landmines would have little if any utility or relevance in such a war. Rather than our own troops needing these weapons, if our adversary were so lacking in more effective weapons as to use them, our troops would not need antipersonnel mines they would need effective countermine technology.

There have been other arguments made, none of which are persuasive. For example:

Some have asked, after landmines what is the next weapon the Pentagon will be asked to give up? Isn't this a slippery slope for those seeking to ban other types of weapons? This hypothetical question has nothing to do with antipersonnel landmines, which are in a unique category of weapons that are designed to be triggered by the victim.

They are not like bullets or bombs that are aimed or targeted by a soldier. They are inherently indiscriminate, activated by whoever comes into contact with them, whether an enemy soldier, a refugee woman searching for firewood, or a child. Renouncing landmines should have no bearing on U.S. policy toward other weapons.

I have heard it asked how we can ensure that our troops can operate in coalitions with countries that are not parties to the treaty, for example South Korea. The answer is the same way as the NATO countries that have signed the treaty whose troops are fighting in coalition with our forces in Afghanistan and Iraq.

Why join the treaty when we are in de facto compliance already? What would we gain at this point? First, this question implicitly acknowledges that the United States does not require antipersonnel landmines. We have not used them since 1991, we have not exported them since 1992, we have not produced them since 1997 and the Pentagon has no plan to do so in the future.

It is important to recognize that the United States is not causing the mine problem today, although mines we exported to dozens of countries, or that are left over from past wars involving U.S. forces especially in Southeast Asia, continue to kill and injure civilians.

But most importantly, it would be a mistake to underestimate or devalue the positive reaction, practical effects and depth of goodwill toward the United States and our military that would result from joining the treaty. Other countries know the United States, the world's most powerful nation, needs to be part of multilateral agreements if those agreements are to achieve their goals. And they know the United States needs to be part of the solution to the landmine problem, which means more than conforming our policy to the treaty and it means more than joining the treaty. It means actively using our influence to persuade other counties to join. Countries like India and Pakistan, China and Russia, Israel and Egypt today make the excuse that the United States has not joined, so why should they?

One particularly farfetched notion is that giving up landmines while Russia, China and other potential adversaries keep theirs is at odds with our usual arms control strategy, which seeks to use disarmament agreements as a means of enhancing U.S. security. This makes sense in the context of long-range missiles and nuclear bombs, but antipersonnel landmines? We have not used these weapons for 19 years, and no one can credibly argue that they are necessary to protect the national security of the United States or that our security is threatened by China's and Russia's antipersonnel landmines which are deployed along their common border.

Today, the United States is the largest contributor to humanitarian demining, a fact I am proud of, and I have been asked if by joining the treaty we would feel less obligated to support it. This question is nonsensical to me. Speaking as the chairman of the Appropriations subcommittee that funds these programs, whether or not we are a party to the treaty has nothing to do with our interest and responsibility in helping get rid of the millions of mines and other unexploded ordnance that litter and plague dozens of countries, including allies like Jordan, Afghanistan and Vietnam whose citizens continue to lose their lives and limbs from these hidden killers. Some of those mines and bombs were manufactured here and left behind by U.S. forces decades ago.

Some might ask why bother developing a plan to join the treaty, since the fact that 68 Senators signed a letter supporting it does not guarantee that two-thirds of the Senate will vote to ratify it. It is true that no one can guarantee what the U.S. Senate will do about treaties or anything else. But that is hardly a reason not to join. The fact that more than two-thirds of the Senate today supports such a policy, including 10 Republicans and 2 Independents, should certainly give momentum to doing so, and convey to the President that the treaty would find wide acceptance in the Senate.

Finally, I have heard it suggested that U.S. troops might need anti-personnel mines in Afghanistan. I find it hard to imagine that the United States, which has spent hundreds of millions of dollars to get rid of mines left over from past wars in Afghanistan that have killed and injured more civilians than in any other country, at a time when our military leaders are trying to minimize civilian casualties which have caused so many Afghans to turn against us, would use anti-personnel landmines in Afghanistan—a party to the treaty—and risk the public outcry that would result.

We could debate whether the United States should have joined the Ottawa Convention 13 years ago, but there is no point in that. The question today is why not now? Many years have passed and we have seen the benefits of the treaty. The number of antipersonnel mines produced and exported has plummeted, as has the number of victims.

But landmines remain a deadly legacy in many countries, and the world needs the leadership of the United States to help universalize the treaty and put an end to the time when anti-personnel landmines were an acceptable weapon. It will not happen overnight, but it will never happen without U.S. support. As President Obama said in his acceptance speech for the Nobel Peace Prize, ''I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.'' We are fortunate to have a President, and top leaders at the Pentagon and commanders on the battlefield, who recognize that civilians far too often bear the brunt of war's misery, and who believe that we can and must do more to prevent it. There is no better way to begin implementing that important principle, and working toward that goal, than by joining the Ottawa Treaty.

The United States is by far the world's strongest military power. We also have the moral authority that no other country has and the obligation to use that authority in ways that set an example for the rest of the world. It was 16 years ago that President Clinton embraced the goal of ridding the world of these indiscriminate weapons. The Obama administration's review of U.S. policy can finally turn that goal into reality.

I ask unanimous consent that a copy of the letter sent to President Obama be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 18, 2010.

Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT, we are writing to convey our strong support for the Administration's decision to conduct a comprehensive review of United States policy on landmines. The Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, held last December in Cartagena, Colombia, makes this review particularly timely. It is also consistent with your commitment to reaffirm U.S. leadership in solving global problems and with your remarks in Oslo when you accepted the Nobel Peace Prize: ''I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.''

These indiscriminate weapons are triggered by the victim, and even those that are designed to self-destruct after a period of time (so-called ''smart'' mines) pose a risk of being triggered by U.S. forces or civilians, such as a farmer working in the fields or a young child. It is our understanding that the United States has not exported anti-personnel mines since 1992, has not produced anti-personnel mines since 1997, and has not used anti-personnel mines since 1991. We are also proud that the United States is the world's largest contributor to humanitarian demining and rehabilitation programs for landmine survivors.

In the ten years since the Convention came into force, 158 nations have signed including the United Kingdom and other ISAF partners, as well as Iraq and Afghanistan which, like Colombia, are parties to the Convention and have suffered thousands of mine casualties. The Convention has led to a dramatic decline in the use, production, and export of anti-personnel mines.

We note that our NATO allies have addressed their force protection needs in accordance with their obligations under the Convention. We are also mindful that anti-personnel mines pose grave dangers to civilians, and that avoiding civilian casualties and the anger and resentment that result has become a key priority in building public support for our mission in Afghanistan. Finally, we are aware that anti-personnel mines in the Korean DMZ are South Korean mines, and that the U.S. has alternative munitions that are not victim-activated.

We believe the Administration's review should include consultations with the Departments of Defense and State as well as retired senior U.S. military officers and diplomats, allies such as Canada and the United Kingdom that played a key role in the negotiations on the Convention, Members of Congress, the International Committee of the Red Cross, and other experts on landmines, humanitarian law and arms control.

We are confident that through a thorough, deliberative review the Administration can identify any obstacles to joining the Convention and develop a plan to overcome them as soon as possible.

Sincerely,

Patrick Leahy, George V. Voinovich, Richard G. Lugar, John F. Kerry, Jack Reed, Orrin G. Hatch, Daniel K. Inouye, Carl Levin, Olympia J. Snowe, Charles E. Schumer, Joseph I. Lieberman, Robert F. Bennett, Jeff Bingaman, Dianne Feinstein, Susan M. Collins, Ben Nelson, Max Baucus, Lisa Murkowski, Judd Gregg, Robert Menendez, Arlen Specter, Barbara A. Mikulski, Sheldon Whitehouse, Christopher J. Dodd, Harry Reid, Sherrod Brown, Benjamin L. Cardin, Kent Conrad, Mike Crapo, Bill Nelson, Richard J. Durbin, Patty Murray, Ron Wyden, Blanche L. Lincoln, Byron Dorgan, Mark Warner, Evan Bayh, George S. LeMieux, Michael F. Bennet, Mary L. Landrieu, Russell D. Feingold, Tim Johnson, Maria Cantwell, Thomas R. Carper, Herb Kohl, Kirsten E. Gillibrand, Robert C. Byrd, Frank R. Lautenberg, Jon Tester, John D. Rockefeller IV, Edward E. Kaufman, Daniel K. Akaka, Mark L. Pryor, Kay R. Hagan, Tom Udall, Jeanne Shaheen, Claire McCaskill, Al Franken, Mark Udall, Jeff Merkley, Debbie Stabenow, Robert P. Casey, Jr., Mark Begich, Amy Klobuchar, Tom Harkin, Barbara Boxer, Roland W. Burris, Bernard Sanders.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 3997 TO AMENDMENT NO. 3739

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the pending business be set aside and my amendment No. 3997 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, I understand the amendment is dealing with the Congo that is being offered by my colleague from Kansas and the Senator from Maryland. Is that correct?

Mr. BROWNBACK. The Senator from Wisconsin and the Senator from Illinois are the cosponsors on this one.

Mr. DODD. This is a good amendment and one that I believe has great value. It has been agreed to across the spectrum in the Senate. So if we can get a quick voice vote, I am prepared to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. SPECTER, Mr. BROWN of Ohio, Mr. JOHNSON, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. BOXER, and Mr. MERKLEY, proposes an amendment numbered 3997 to amendment number 3739.

Mr. BROWNBACK. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require annual disclosure by certain persons to the Securities and Exchange Commission if columbite-tantalite, cassiterite, gold, or wolframite from the Democratic Republic of Congo are necessary to the functionality or production of a product manufactured by the person)

On page 1565, after line 23, add the following:

TITLE XIII—CONGO CONFLICT MINERALS

SEC. 1301. SENSE OF CONGRESS ON EXPLOITATION AND TRADE OF COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.

It is the sense of Congress that the exploitation and trade of columbite-tantalite, cassiterite, gold, and wolframite in the eastern Democratic Republic of Congo is helping to finance extreme levels of violence in the eastern Democratic Republic of Congo, particularly sexual and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302.

SEC. 1302. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by section 763 of this Act, is further amended by adding at the end the following new subsection:

''(o) DISCLOSURES TO COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

''(A) to disclose annually to the Commission in a report—

''(i) whether the columbite-tantalite, cassiterite, gold, or wolframite that was necessary as described in paragraph (2)(A)(ii) in the year for which such report is submitted originated or may have originated in the Democratic Republic of Congo or an adjoining country; and

''(ii) a description of the measures taken by the person, which may include an independent audit, to exercise due diligence on the source and chain of custody of such columbite-tantalite, cassiterite, gold, or wolframite, or derivatives of such minerals, in order to ensure that the activities of such person that involve such minerals or derivatives did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo or an adjoining country; and

''(B) make the information disclosed under subparagraph (A) available to the public on the Internet website of the person.

''(2) PERSON DESCRIBED.—

''(A) IN GENERAL.—A person is described in this paragraph if—

''(i) the person is required to file reports to the Commission under subsection (a)(2); and

''(ii) columbite-tantalite, cassiterite, gold, or wolframite is necessary to the functionality or production of a product manufactured by such person.

''(B) DERIVATIVES.—For purposes of this paragraph, if a derivative of a mineral is necessary to the functionality or production of a product manufactured by a person, such mineral shall also be considered necessary to the functionality or production of a product manufactured by the person.

''(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President determines that such revision or waiver is in the public interest.

''(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this subsection.

''(B) EXTENSION BY SECRETARY OF STATE.—The date described in subparagraph (A) shall be extended by 1 year for each year in which the Secretary of State certifies that armed parties to the ongoing armed conflict in the Democratic Republic of Congo or adjoining countries continue to be directly involved and benefitting from commercial activity involving columbite-tantalite, cassiterite, gold, or wolframite.

''(5) ADJOINING COUNTRY DEFINED.—In this subsection, the term 'adjoining country', with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.''.

SEC. 1303. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302, in promoting peace and security in the eastern Democratic Republic of Congo.

(2) A description of the problems, if any, encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(o).

(3) A description of the adverse impacts of carrying out the provisions of such section 13(o), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of such section 13(o) to promote peace and security in the eastern Democratic Republic of Congo;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

Mr. BROWNBACK. This is an issue that has been around for several years. It is on Congo conflict commodities. It is a narrow SEC reporting requirement. As I understand, both sides have cleared it. I would ask, if possible, if we can get it up for a voice vote. I certainly want to go with the timeframes of the manager and be cognizant of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3997) was agreed to.

Mr. DODD. Mr. President, I move to reconsider that vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. DODD. Mr. President, what is the pending business now?

The PRESIDING OFFICER. The next amendment in order is the Corker amendment.

Mr. DODD. There is 30 minutes equally divided between the proponents and opponents of that and the Carper amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Tennessee.

AMENDMENT NO. 4034 TO AMENDMENT NO. 3739

Mr. CORKER. Mr. President, I hope I have the good fortune our Senator from Kansas just had. I ask unanimous consent to call up amendment No. 4034.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 4034 to amendment No. 3739.

The amendment is as follows:

(Purpose: To address the applicability of certain State authorities with respect to national banks, and for other purposes)

On page 1315, strike line 18, and all that follows through page 1325, line 20 and insert the following:

''(B) the State consumer financial law is preempted in accordance with the legal standards of the decision of the Supreme Court in Barnett Bank v. Nelson (517 U.S. 25 (1996)), and any preemption determination under this subparagraph may be made by a court or by regulation or order of the Comptroller of the Currency, on a case-by-case basis, in accordance with applicable law; or

''(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

''(2) SAVINGS CLAUSE.—This title does not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

''(3) CASE-BY-CASE BASIS.—

''(A) DEFINITION.—As used in this section the term 'case-by-case basis' refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This title does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this title shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

''(c) SUBSTANTIAL EVIDENCE.—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

''(d) PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.—

''(1) IN GENERAL.—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

''(2) REPORTS TO CONGRESS.—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

''(e) APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.—Notwithstanding any provision of this title, a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

''(f) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(g) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(i) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(2) RULE OF CONSTRUCTION.—No provision of this title shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).''.

SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

''SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.

''(a) IN GENERAL.—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

''(b) PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''Sec. 6. State law preemption standards for Federal savings associations and subsidiaries clarified.''.

SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.

(a) NATIONAL BANKS.—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(j) VISITORIAL POWERS.—

''(1) IN GENERAL.—In accordance with the decision of the Supreme Court of the United States in Cuomo v. Clearing House Assn., L. L. C., 5 (129 S. Ct. 2710 (2009)), no provision of this title which relates to visitorial powers or otherwise limits or restricts the visitorial authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring an action in a court of appropriate jurisdiction to enforce an applicable nonpreempted State law against a national bank, as authorized by such law, and to seek relief as authorized by such law.

''(2) EXCLUSION.—The powers granted to State attorneys general and State regulators under section 1042 of the Restoring American Financial Stability Act of 2010 shall not apply to any national bank, or any subsidiary thereof, regulated by the Office of the Comptroller of the Currency.

''(k) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners' Loan Act (as added by this title) is amended by adding at the end the following:

''(c) VISITORIAL POWERS.—The provisions of sections 5136C(j) of the Revised Statutes of the United States shall apply to Federal savings associations, and any subsidiary thereof, to the same extent and in the same manner as if such savings associations, or subsidiaries thereof, were national banks or subsidiaries of national banks, respectively.

Mr. CORKER. Mr. President, I know we have two side-by-side amendments. I know the Senator from Delaware, Mr. CARPER, has an amendment which, by the way, I hope everyone on my side of the aisle will support. It has to do with Federal preemption. I think it is a good amendment. I do not think it goes far enough.

Let me speak to the differences. First of all, both the Carper amendment and the Corker amendment deal with the fact that if there is a Federal law relating to our banking system, that cannot be preempted, generally speaking, by State law. I think that is a good step in the right direction. Certainly, I commend Senator CARPER for doing that.

It is something that, by the way, our national banks obviously fully support. They want the ability to operate around the country and know that the rules of the road are basically going to be the same. Where the Carper amendment falls short, and my amendment deals with an issue, is the fact that there are 50 State AGs around the country who, as a result of the Dodd bill, are going to be turned loose on our community banks.

What I mean by that is, the consumer protection agency, as it has been created in the Dodd bill, has no check and balance. It has a very large budget. It is renting space, if you will, at the Federal Reserve. So it has no prudential regulator that is overseeing the rules that it creates.

This consumer protection agency has the ability to write rules with no veto authority against the safety and soundness of financial institutions. Then it has the ability to enforce those rules. A lot of my friends on the other side of the aisle, and certainly people on my side of the aisle, have sought to protect community banks from this consumer protection agency. Let's face it. A big part of that was to build political support for this bill so that community bankers all across our country would rally because they were not necessarily going to be directly under the enforcement of consumer protection.

But the Dodd bill does something else that is very detrimental. That is why they still are very concerned. It allows the 50 State AGs around this country to take actions against credit unions, to take actions against community banks, based on the rules that this consumer protection agency creates.

So here we are, we are going to create an organization that has no real check and balance against the rules that it writes. Then when it writes a rule, an AG in Tennessee or an AG in Alabama or an AG in Delaware or Connecticut can take action against a community bank over these rules.

So it does not matter anymore that this consumer protection agency does not enforce directly against that. Instead, what we have is these AGs all around the country who now will be suing credit unions, suing small banks over rules this Federal agency is creating that has no check and balance against it.

I find that very cumbersome. But to add to that, the Dodd bill adds language called ''abusive.'' In other words, there is a new standard that is going to be created and be the law of the land, a new standard called ''abusive'' that is very vague. By the way, this ''abusive'' language comes in after the fact.

So what it means is, if party A and party B enter into a deal and an AG decides that under this abusive standard one party has been aggrieved—this is after the fact—then whatever contract they have entered into, if it was a loan, for instance, which is likely to be the case, that loan is totally done away with. You cannot enforce against it.

I think this is one of the worst attributes of this bill. The fact that community bankers all across this country in some ways may have thought originally that they were not going to get caught up in this consumer protection agency—oh, no, that is not the case. The fact is, again, 50 AGs around this country—not based on statutes, based on rules—in other words, you know they have the enumerated statutes in this bill under which they can make rules. Then there has been some added in title X—the definition of ''abusive,'' which, again, is very vague, added into this.

But this agency is an agency I believe is going to be very proactive, and I think that is why most people on the other side of the aisle are so excited about this. That is why the White House is very excited about this. They know this is another one of those cases—let no crisis go to waste. We have the opportunity now, because of this crisis, to create this czar, this czar that has no board, and under statutes that are already passed, and some that we are going to pass if this bill passes. This agency can then make rules.

I want to say this one more time. They are going to make rules, and then every AG in the country is going to have the ability, after contracts have been entered into, to say: No, that is abusive, and to basically void those.

This is going to create so much uncertainty out there. Again, to have an organization like this, unfettered, dealing with these types of issues, and then for the first time, for the first time in years, allowing those State AGs to take actions against some of these smaller institutions, I know people in Tennessee—it is not the people on Wall Street. I think we know CitiGroup and Goldman have all come out and said they support this bill.

Why not? The big guys always do better when we create regulations. It is the small guys back in my State who have great concerns. I just want to say, this is one of the most dangerous and problematic attributes of this bill.

So in the name of ensuring that our community banks and credit unions and other small institutions across our country are not abused, are not abused as it relates to this bill, what I hope will happen is that people will not only support the Carper amendment, which does half the job—when you have a bill like this, certainly I support half a loaf of improvement. I hope they will support the Carper amendment, but I hope my friends on the other side of the aisle will join what I believe will be almost everyone on this side of the aisle to ensure that those very people we talk about, talk about back home, do not have advantage taken of them by this consumer protection agency that is unfettered, that is going to write rules, that is going to give the ability to State AGs around this country to take actions against State banks, local banks, but also national banks, to take actions against them based on Federal rules—not just Federal laws, Federal rules.

I will stop. I know my time is about up. This is a very commonsense amendment. I say to my friends on the other side of the aisle: I have offered no messaging amendments, none. I have tried to offer a few commonsense amendments to deal with frailties in this bill that I believe are real. I know there is a lot of stress on the other side of the aisle with everybody trying to hold together. I know the White House and Treasury are over here meeting in backrooms trying to keep people from supporting things that make common sense. I hope others will join with me to ensure that we don't allow this unfettered organization, this czar over consumer protection, to create rules that then put community banks and others at great risk and have the ability to break contracts after the fact based on very vague language that 50 AGs may interpret in very different ways on a case-by-case basis, in whatever mood they are in on that day. I think that is problematic.

I yield the floor.

AMENDMENT NO. 4071 TO AMENDMENT NO. 3739

(Purpose: To address the applicability and preservation of certain State authorities, and for other purposes)

Mr. CARPER. Mr. President, I call up amendment No. 4071.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself, Mr. BAYH, Mr. JOHNSON, and Mr. WARNER, proposes an amendment numbered 4071 to amendment No. 3739.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CARPER. Mr. President, I would like to state to the manager of the bill, if I could ask a question of Senator DODD, one of Senator REID's right-hand lieutenants asked me to ask for an additional 5 minutes on both the Corker and Carper amendments. I presume that has been cleared with him.

Mr. DODD. I have no objection.

Mr. CARPER. I ask unanimous consent that both on the Corker amendment and the amendment I have offered, we have an additional 5 minutes for a total of 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, let me start off by thanking Senator CORKER for all the time and energy he and Courtney and others on his staff have put into this issue, both in committee and as we come to the floor.

Last week, Senator CORKER and I and about 11 other Republicans and a number of Democrats joined to offer the amendment he is offering at this time. When it became clear to me that we were not going to be able to muster the 60 votes to prevail on what was our amendment, we began working with Senator DODD and his staff—I hope we kept our colleagues in the loop, as we went through the negotiations—to come up with legislation that enables us to get a half a loaf. I think we probably got more than half a loaf. Time will tell. History will judge.

I wish to back up a little bit and say what I think the authors of the legislation had in mind in the bill as it came to the floor. The idea is to create a new unit I call the consumer bureau. Their job is to promulgate the rules and regulations with respect to consumer protections, not only for national banks or State-chartered banks, not just for credit unions or nonbank banks but for all of the above. That is a big part of the job. The job of the new consumer bureau is to promulgate rules and regulations going forward to protect consumers.

Does that entity have an enforcement responsibility as well? Yes, they do. Under the bill as it came to the floor, they would have the obligation for enforcing, among the largest national banks—roughly 100—the rules and regulations with respect to consumer protection which they promulgate.

I like to think of about three or four entities. One is nonbank banks, a second is credit unions, third is State chartered banks, and the fourth is the national banks. Of those four, the one for sure the consumer bureau actually enforces the rules that will be promulgated is with national banks and the largest ones there. Most of the banks we have in this country are State chartered. Under current law and under this legislation, not only would their safety and soundness regulator, the FDIC, be the regulator for consumer protections, but under current law, under the law going forward, State officials can also enter into those frays and again try to undertake actions to protect consumers. That could be done now, and it can be done the way the bill is written.

With respect to nonbank banks, under current law, the FTC has the responsibility going into this endeavor of enforcing consumer protections. They would have the responsibility of enforcing the protections of the rules promulgated by the consumer bureau. There is a good chance that going forward the FTC will also have responsibility for enforcing the consumer protections for the nonbank banks. Credit unions, correct me if I am wrong, I think the responsibility there lies with the NCUA. They are the safety and soundness regulators for credit unions, and they are also the responsible regulator for consumer protection. I am not sure that will change.

What will change is they will have some additional rules and regulations promulgated by the consumer bureau to enforce at least that much. This is where we have gotten into a big debate.

The question is, How about national banks that operate, in some cases, in all 50 States? Who is going to enforce the rules to protect consumers from them?

The way it has worked for years, we followed the guidance of two Supreme Court decisions in this regard. One of them is called Barnett Bank. It has been a part of the case law for about 14 years. The other is called Cuomo v. Clearinghouse. I am not sure why. That is what it is called.

Essentially, the first case law under Barnett attempts to say: We have these national banks. They are actually supervised by the Office of the Comptroller of the Currency. For the most part, States want to come in and exert their own desire and their own will and they can do that, to some extent, under current law. But when they come in and try to exert influence over national banks, if the national banks think the State is out of line, they can go to court and say: No, the State can't do this. This is preempted. This is something that is governed by the Federal Government, by our regulator, the OCC or by this new regulator. If the national banks think that what a State is trying to do, under Barnett Bank, if they think it is out of order, inappropriate, not permitted, it is preempted, they can go to their primary regulator, the OCC. That is what they can do now. If the bank thinks the States are acting in an inappropriate way, inconsistent with the Barnett ruling, the national banks can go to the OCC or they can go into court to have it cleared up. That is current law. That is the Barnett Bank ruling in its simplest form. What we do in this compromise is to retain that language, essentially to retain that language or the spirit therein. Where we make a change with respect to the amendment Senator CORKER offers today and that he and I and others had offered to introduce last week, we make a change with respect to who else can enforce the rules and regulations among national banks that are promulgated by this new consumer bureau.

What we have said is, State officials and the AGs can enforce the rules and regulations of the consumer bureau. They can do that. Can they conduct class action lawsuits against with respect to the rules and regulations? They can't do that. Can they go across State lines? Can the attorney general from Alabama go into Florida and try to enforce the rules across State lines? The AGs can't do that. But what they can do under our compromise is, the State AGs in all 50 States can look at the rules and regulations promulgated by the consumer bureau and enforce those in their own State. For us, that is probably the biggest give with respect to what we introduced last week.

This is a confusing issue. It is arcane. I have tried to explain it to my colleagues with mixed success. I hope I am doing better today on the floor. It is not an easily understood issue.

For me, the question is this: If we are going to have national banks—and we have had them for 150 years—if there are going to be national standards and a tough regulator, let's make sure the consumer bureau has the resources and authority it needs to enforce these rules for national banks. When people say: What is the problem with letting the AGs come in, here is the problem. I like to use Washington, DC, as an example. I live in Delaware. I go back and forth on the train just about every day. Let's say I lived in Maryland, and let's say I worked in Washington, as we do. Let's say my bank is home chartered in Virginia. Let's say I travel all over the country, and I use ATM machines in many different States. If you have a situation where the States can impose their own laws or rules or regulations with respect to features of banking and checking accounts, with respect to my ATM cards and access to ATM machines, the fees I have for my debit cards, that authority sort of thing, how would you apply those rules and regulations in this one instance, someone who lives in Maryland, works in Washington, their bank is in Virginia, and they access banking services all over the country? That could be confusing, very confusing. It is not only going to be confusing for the banks themselves, as they try to comply with this patchwork quilt of 50 different rules and regulations, in addition to the national rules and regulations. It is going to be confusing for consumers too.

This is not something we are doing simply to make the banks happy. They are not doing handstands over the amendment I am offering as a side-by-side with the previous Carper-Corker amendment.

I am convinced of this: What we are doing is good for consumers, and it is fair for the banks.

Again, to Senator DODD and his staff, I thank them for working with us. I express my thanks to our Republican colleagues who joined us as cosponsors on the amendment last week and those who support us today.

I retain the remainder of my time.

Mr. JOHNSON. Mr. President, it is the goal of all of us in this body to address the inadequacies in bank regulation that led to the crisis, but also preserve the dual banking system. After many conversations with Senator DODD and his staff, I believe we have found the right balance to preserve Federal preemption for national banks but also allow State AG enforcement of the rules where appropriate. I want to thank Senator DODD for working with us to find common ground.

Throughout the committee consideration and the floor process, I have worked to ensure that our efforts to build strong uniform standards through the new Consumer Financial Protection Bureau were not undermined by ending up with a patchwork of different laws for banks and consumers. As our Nation recovers from the economic crisis, it was important to avoid making it difficult for businesses to operate across State lines, and to prevent consumers already struggling with access to credit from losing access to affordable products and services.

I believe the Carper amendment addresses these concerns while also ensuring the State AGs a role. The Carper amendment provides that preemption determinations are made according to a uniform standard, providing certainty to those that offer financial products and those who use the products. It also codifies the Supreme

Court's ruling in the Cuomo case by clearly stating the role State AGs may play in enforcing certain laws against national banks. Last, it also preserves a role for State AGs to ensure that consumers are never again put at risk because Federal regulators are asleep at the switch.

I urge my colleagues to support the Carper-Bayh-Warner-Johnson amendment. This amendment, and the underlying bill creating a new consumer agency, will set strong national standards for consumers, and improve our abilities to detect problems and vastly improve consumer protection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will be brief. I commend both the Senator from Delaware and the Senator from Tennessee for their hard work in this area. This is very arcane. It is difficult, but it is very important. I was hoping we could bake a whole loaf of bread, not a half. One-half is better than nothing—but a whole loaf. What we are doing thus far is Main Street. We are not worried about Wall Street. Wall Street will take care of themselves, as Senator CORKER and others have said on this floor. They always have, always will. But it is Main Street, the smaller banks in our communities, in our towns all across the country. If we could, in the wisdom of the chairman of the committee, if we could move to a whole loaf of bread, that would be commendable. I feel like we are not going to do a whole loaf here today because we don't have the votes. But gosh, a whole loaf is always better than half.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes 50 seconds.

Mr. DODD. I will take 5 minutes, if the Chair will advise me.

Mr. President, this is striking a balance. If I were king for a day, I might write a different approach than either the Corker or the Carper amendments. But I am 1 of 100 people in this Chamber. Our goal is to try to find common ground on a very difficult issue. This is a complicated question. It isn't just about Main Street and Wall Street; it is about how we enforce laws, how to make sure we don't overreach and create unnecessary duplication and raise costs. We are trying to balance what should not be necessarily competing goals. One is to have stronger consumer protections. I hope I don't have to make that case again. What got us into this mess to begin with was the lack of consumer protection. It was bad mortgages, no documentation, luring people into deals they could never afford, people making decisions to jump into deals they couldn't handle.

For all those reasons, this problem mushroomed out of a mortgage problem into a large, now almost global, problem we are confronting. So, clearly, as to consumer protection, we are doing that in this bill. For the first time in the history of our country, we will now have an agency exclusively dedicated to protecting the average consumer in this country when it comes to financial services. We have it for products you buy. We have it for the food you eat. But Lord forbid you end up in potential ruin because of a financial product. Where do you go? There is no recall. There is no place to get that financial product recalled if you are running into problems. So we do that in this bill.

Let me be the first to admit there are people who are vehemently opposed to have anything like a Consumer Financial Protection Bureau anywhere in our government at all, and I know that. My colleagues know that. I understand, from time to time, attempts to try and undermine this in whatever way you can has been a part of this.

The second goal is the one my colleague from Delaware has mentioned: preserving our national banking system, which has been around for 150 years. It is clearly in our interest to do that. So how do we strike this in a way that strikes that balance?

The Carper amendment preserves the States' attorneys general role in protecting their citizens from abusive practices. That is about as Main Street as you can get. As I said, the alternative is to have someone from Washington, I suppose, being able to show up to protect those interests. Why not preserve the right of an attorney general at the State level to protect those interests?

But it also makes clear—the Carper amendment does—that the Office of the Comptroller of the Currency can preempt a State consumer law, while preseving our national banking system. So it strikes that balance, which is so critical.

The Carper amendment does three things: It preserves the State's role in enforcing the Federal consumer financial laws. That is No. 1. Secondly, it returns to the Office of the Comptroller of the Currency the preemption of State consumer financial laws to the 1996 Barnett standard, which is the Supreme Court case, and provides for transparent determination procedures for preemption decisions. Thirdly, the Carper amendment makes clear that the States' attorneys general have the authority to enforce certain laws against national banks in their home States.

That is the balance the Carper amendment provides.

The Corker amendment—if we adopted just the Corker amendment—does two things. One, it completely eliminates the State attorney general from enforcement of the Consumer Financial Protection Act. It eliminates it altogether. I do not think you want that. That does not make sense to me. That is where you get confusion. Secondly, it would confuse the Federal preemption standard under the Barnett case that the OCC should apply when preempting State consumer laws.

We are trying to get clarity, and we get clarity with the Carper amendment. That is what we are looking for: National banking gets preserved. Yet the attorneys general can enforce the laws rather than relying on something at the national level to do the job.

So I urge my colleagues—and I say this respectfully because BOB CORKER and I have worked together on a lot of issues over the last number of months—on this one, I respectfully suggest it goes too far. That is why I urge Senator CARPER, who has a strong interest in this subject matter, to sit down and see if we could fashion a compromise that would maintain the balance of allowing State AGs to do their jobs when it comes to enforcing the rules under our Consumer Financial Protection Bureau, while preserving the national banking system, where the OCC has the right to preempt. That is what we have done with the Carper amendment. That is the balance that gets struck here. I say respectfully, the adoption of the Corker amendment throws that balance off whack, and that is what I think would be a step backward when it comes to this provision.

So for those reasons, I would urge a ''no'' vote on the Corker amendment and a ''yes'' vote on the Carper amendment, which I think strengthens this bill overall.

With that, I see my colleague from Virginia, who may want to be heard on this amendment as well.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I just wish to briefly add to the discussion and thank both the chairman and Senator CARPER and my good friend Senator CORKER as well. We are breaking new ground. We are creating a new national Consumer Financial Protection Bureau.

I share, I think, actually the goals of both Senator CORKER and Senator CARPER that the bureau ought to have a chance to enforce its rules on an orderly national basis. I know my good friend, Senator CORKER, has a slightly different variation, but I think Senator CARPER's amendment has struck that right balance: ensuring there are opportunities for Federal preemption but, at the same time, recognizing that the balance of the attorneys general role ought to be to focus on the regulations—regulations that it will have had an appropriate period to have been commented on by industry, to have gone through an orderly process, rather than simply what the initial draft would have had, which would have allowed the attorneys general to actually focus on the statute itself, that might have allowed them to run a little more without as many restraints.

So I realize this is a new area. We are trying to strike a balance. I agree with the chairman that the Carper amendment strikes that right balance, and I look forward to supporting his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I do hope the Senator from Virginia and the Senator from Delaware will support my amendment, since they both cosponsored it originally. I know Treasury has been over and has had a talk with people back in these backrooms. I realize the White House has done that. While there may be discussions about ''striking the appropriate balance,'' the fact is, this was an amendment that had bipartisan support until that occurred.

Let me just say——

Mr. DODD. Will my colleague yield on that point he made?

Mr. CORKER. OK.

Mr. DODD. There is nothing ''in the backroom'' about this. This is an honest, open discussion about how to deal with preemption. The suggestion my colleague makes about a backroom arrangement is not the case.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Well, it was these rooms back here.

Mr. DODD. No, it is not a backroom.

Mr. CORKER. OK. Well, these front rooms back here.

Let me just say, if I could: Look, the fact is, we had a bipartisan agreement that has been throttled back. There is a chance—I understand. That is what I am saying. I hope the cosponsors of this amendment will at least support it on the floor. I do not think there has been anything enlightening that has occurred—just the fact that, look, the White House has expressed opposition to this. I understand that, and that is the way things are when the White House is the White House.

But what I would say is, the Senator from Connecticut specifically tried to get support for this consumer protection agency by saying that institutions under $10 billion in assets would not be enforced upon directly by this consumer protection agency. But what has happened as a result of the bill is the fact that now, instead of that, we now have State AGs—they are going to enforce against these very institutions on rules that emanate from these Federal statutes.

So I would say that is a far worse situation for these community banks and credit unions. I know they view that as far worse from that standpoint. Then, on top of that, we have added language that is vague, language such as ''abusive'', where the AG has the ability to come in after the fact and basically break contracts if, in their view, they decide that something may have been abusive. Again, that is a very vague term.

So what I would say to you is that, yes, you are embarking on new territory. You, in essence, are creating a consumer protection agency that has no board. It reports to one person, the President. It has a 5-year term. There is no veto—no veto—authority by the prudential regulators as it relates to the rules. Now you have State AGs all across the country who have the ability to enforce. I think that is a huge step in the wrong direction.

I had hoped earlier—a couple months ago it seemed like we had a place that was far more middle of the road than this, that kept the State AGs in place, that allowed them to do the things with State laws they already have the power to do. But I think this is vastly expansive.

I realize that with the people talking against my amendment who actually supported my amendment in the past, it is very unlikely my amendment is going to pass. I have heard people on my side of the aisle saying: Look, should we support CARPER or not? It is just really not what ought to happen.

I would say to my friends on this side: Yes, support the Senator's efforts. It is better than what exists.

But there is no question in my mind—and let's face it, the issue that has divided this floor more than anything else is the fact that this consumer protection agency has been created the way it has been created. I think this rulemaking authority it has is the issue that has divided most of us. Now, without my amendment passing, again, what happens is, State AGs, interpreting these in different ways all across the country, will now be taking actions against these institutions on vague language such as ''abusive.'' I think that is inappropriate. I guess I have trouble understanding what that has to do with what we have just gone through.

If underwriting is a problem, let's deal with underwriting. We tried to offer language that dealt with loans. That is the core of this crisis. But, no, we do not want to deal with that. We do not want any crisis to go to waste. We want to create another unfettered organization to get into the lives of Americans, to sort of take over, take over and deal with these kinds of things because we do not want any crisis to go to waste.

So maybe the Senator from Connecticut was a little arisen a minute ago by me saying what I am saying. Look, the fact is, the White House is, I see, going to have its way probably. I still hope as many people as possible will vote for the Corker amendment. I certainly support the Carper amendment. I wish we had done a more balanced job on this issue. I think we would have far more bipartisan support.

I thank the Presiding Officer for the time. I wish to withhold the remainder of my time in case there are other comments that are made. But I do hope the people who originally cosponsored my amendment would at least support it on the floor today.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Delaware.

Mr. CARPER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 27 seconds.

Mr. CARPER. Mr. President, let me try to be clear on one point, as we come to the close of this discussion.

For States or their national banks, under what is proposed and what would occur under our amendment, if a State AG wants to try to enforce a State law on a national bank, the bank can go in and say to the courts, they can go in and say to the regulator, the Office of the Comptroller of the Currency, that State law is preempted. That cannot be enforced against a national bank.

The question here—and this is a point where I gave on and our side gave on in negotiations—how about if the State AG or State officials want to come in and enforce the rules that have been developed by the new consumer bureau? Under the compromise we have reached, while they cannot come in and enforce their own State laws, or, really, come in and enforce the Federal law we are debating today, the State AG can come in and enforce the rules, which have been worked out over a period of months—draft regulations, proposed regulations, common periods, revised regulations with guidance, and finally adopted regulations with guidance.

In those instances, when the regulations are adopted in their final form—gone through that whole process—then the AGs can come in and not selectively enforce them, but they have the right to enforce those, along with—for big banks, big national banks—the bureau, and if they are not so big national banks, the Office of the Comptroller of the Currency.

That is where I think we have ended up here. I do not think it is a bad compromise. As our colleague from Tennessee and certainly the Presiding Officer and our two floor managers, Senator DODD and Senator SHELBY, know, we have been sent to govern, and sometimes I cannot get what I want. But what we try to do is to be willing to give, and in an orderly fashion we have a final compromise that I think meets muster.

Let me say, as a former Governor—I think there are five former Governors on our original amendment—I do not think anyone can accuse me or any of the other former Governors of not being for States rights. But sometimes we need a strong Federal regulator with strong enforcement authority, particularly when we are dealing with issues of interstate commerce and our national banking system, which we seek to preserve.

In closing, I wish to assure my colleagues that I believe the amendment I offer with a number of my colleagues preserves the ability of States' attorneys general to provide a backstop to the new Consumer Financial Protection Bureau. While the new bureau will be the main enforcer of its new rules, we have preserved the role for the

State AGs to ensure that the consumers are not put at risk because Federal regulators are asleep at the switch.

Again, I wish to thank Senator CORKER for all his work on not just this issue but on others to try to get us to a better place.

With that, I believe our time is just about expired.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4 minutes 10 seconds.

Mr. CORKER. Mr. President, first of all, I thank the Senator from Delaware, who is one of those Senators whom I truly enjoy working with. He truly does try to do responsible things in this body. I thank him for that. I enjoy working with him. I do think the Senator is trying to put an amendment in place that will pass, and I thank him for that.

Again, I think a half a loaf is a half a loaf; it is not a whole loaf. But I hope everybody on my side of the aisle will support the Carper amendment. I hope everybody on this side of the aisle, obviously, will support the Corker amendment.

I do wish to say that the Chamber of Commerce has just sent out a letter. I thought I would make everybody aware they are urging people to vote for both amendments also. As a matter of fact, they are key voting this. This is one of those issues they think is very important. The Chamber of Commerce, as you know, represents all kinds of small businesses across this country that are very concerned about this expansive bill, especially as it relates to consumer protection.

Again, I wish to say one more time, an activist, if it turned out to be—my guess is, it will be; everything else in this administration leads me to believe this is going to be a fairly activist organization, OK—can write rules after the fact—after the fact—declaring a practice abusive.

I don't know how many people think that is good practice, to write a rule after the fact determining that it is abusive—again, a very vague benchmark.

I thank the Presiding Officer for the time. I thank the Senator from Connecticut for the way he has conducted business here on the floor. I certainly wish this was a 50-vote threshold instead of 60, but I realize those things have to take place. I thank him for the way he has conducted himself on the floor. I look forward to both of these amendments being voted on. I urge people on both sides of the aisle to support both amendments, as the Chamber of Commerce has said it does.

Thank you very much. I yield my time.

Mr. DODD. Let me just clarify. No. 1, there is no 60-vote requirement.

Mr. CORKER. Very good. Thank you.

Mr. DODD. No. 2, I know people want to vote for everything around here, but occasionally we run into conflicts, and there is a conflict between the Corker amendment and Carper amendment, and that is the role of the attorneys general. The Corker amendment excludes the attorneys general from enforcing the regulations of the consumer protection agency. The Carper amendment includes it. With all due respect, I know we would like to vote for all amendments, but somehow we do end up with a conflict. It is a legitimate point. I am not suggesting that my friend from Tennessee doesn't have an argument, but I just think the Carper amendment makes more sense.

So I urge my colleagues, out of respect for each other—I know we like to please each other, but the fact is, we end up with a contradictory conclusion when we are trying to come to some clarity. That is the only point I wish to make.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. If I could, I haven't really noticed that much desire to please each other around here, but I do thank you for the fact that it is a 50-vote threshold. I had been told prior to coming down that it was 60, so thank you for that. But I do hope people will try to please both sides of the aisle by voting for both amendments. Thank you very much.

Mr. DODD. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the Corker amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NAYS—55

Akaka	Brown (MA)	Casey
Baucus	Brown (OH)	Conrad
Begich	Burris	Dodd
Bennet	Cantwell	Dorgan
Bingaman	Cardin	Durbin
Boxer	Carper	Feingold
Feinstein	Leahy	Sanders
Franken	Levin	Schumer
Gillibrand	Lieberman	Shaheen
Hagan	McCaskill	Stabenow
Harkin	Menendez	Tester
Inouye	Merkley	Udall (CO)
Johnson	Mikulski	Udall (NM)
Kaufman	Murray	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Pryor	Whitehouse
Kohl	Reed	Wyden
Landrieu	Reid	
Lautenberg	Rockefeller	

NOT VOTING—2

Lincoln Specter

The amendment (No. 4034) was rejected.

Mr. DODD. Mr. President, what is the pending business?

VOTE ON AMENDMENT NO. 4071

The PRESIDING OFFICER. The pending question is the Carper amendment No. 4071.

Mr. DODD. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—80

Akaka	Crapo	Lieberman
Alexander	DeMint	Lugar
Barrasso	Dodd	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Menendez
Begich	Feinstein	Mikulski
Bennet	Gillibrand	Murkowski
Bennett	Graham	Murray
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Nelson (FL)
Brown (MA)	Hagan	Pryor
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Schumer
Burris	Inouye	Sessions
Byrd	Isakson	Shelby
Cantwell	Johanns	Snowe
Cardin	Johnson	Stabenow
Carper	Kaufman	Tester
Casey	Kerry	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kohl	Vitter
Cochran	Kyl	Voinovich
Collins	Landrieu	Warner
Conrad	Lautenberg	Webb
Corker	LeMieux	Wicker
Cornyn	Levin	

NAYS—18

Boxer	Harkin	Rockefeller
Brown (OH)	Leahy	Sanders
Dorgan	McCaskill	Shaheen
Durbin	Merkley	Udall (NM)
Feingold	Reed	Whitehouse
Franken	Reid	Wyden

NOT VOTING—2

Lincoln Specter

The amendment (No. 4071) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. I ask unanimous consent to speak on amendment No. 3744.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, payday lending institutions prey on people who find themselves in need of quick cash often for things like a necessary car repair or a medical problem. The lenders charge astronomical interest rates and expect immediate repayment.

By marketing payday loans as short-term advances, predatory lenders gouge borrowers into a cycle of debt. With repayment due in just days, interest rates that reach 400 percent, and because repayments are due in full, borrowers are often forced to take out new loans to repay the old loan.

The lenders themselves recognize that the loans are not for borrowers who intend to use them repeatedly. For example, one lender notes on its website that, ''Since a payday advance is a short-term solution to an immediate need, it is not intended for repeated use in carrying an individual from payday to payday. When an immediate need arises, we're here to help. But a payday advance is not a long-term solution for ongoing budget management. Repeated or frequent use can create serious financial hardship.''

But the statistics do not add up. Over 60 percent of payday loans go to borrowers with 12 or more transactions per year and 24 percent of payday loans go to borrowers with 21 or more transactions per year.

This startling statistic illustrates just how devastating this problem can be for families.

Take the story of Sandra Harris from Wilmington, NC. She had a job at Head Start and always paid her bills on time. When her husband lost his job, Sandra got a $200 payday loan to pay the couple's car insurance. When she went to repay the loan, she was told she could renew. Sandra ultimately found herself indebted to six different payday lenders, paid some $8,000 in fees.

Now, the payday lending industry will argue that they provide a valuable service. I would simply point out that, whether or not you believe that to be true, my amendment does not prohibit payday loans.

In fact, it allows up to six payday loans to the same borrower. If your business model relies on your ability to rope borrowers into rolling these loans over again and again, even though you are charging 400 percent per loan, I would have some serious questions about your business model.

By reining in payday lenders, we will protect consumers from racking up endless, long-term debt that can ultimately cause a family to declare bankruptcy.

This amendment protects consumers by ensuring that short-term cash advances remain short-term.

It has three parts to accomplish this goal:

First, it limits rollovers by prohibiting creditors from issuing new payday loans to borrowers with six loans in the previous 12 months or 90 days aggregate indebtedness.

Second, it would require lenders to give borrowers the option to repay their loan over a longer time period. Creditors would need to offer an extended repayment plan for borrowers who are unable to meet repayment obligations.

Finally, the bill gives the Federal Reserve Board the authority to require licensing and bonding of payday lenders.

Leading consumer advocates such as the Center for Responsible Lending strongly support this legislation.

This is a commonsense amendment, it will help protect Main Street borrowers from predatory lenders, and I would urge all of my colleagues to join me in supporting it.

I ask unanimous consent to have printed in the RECORD the following letter of support from Michael Calhoun, the president of the Center for Responsible Lending.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTER FOR RESPONSIBLE LENDING,
May 4, 2010.

Hon. KAY HAGAN,
United States Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HAGAN: We are writing to express our support for your bill, the ''Payday Limitation Act of 2010,'' which would help end the cycle of long-term borrowing that traps so many payday borrowers in high-cost debt.

The payday lending debt trap causes families financial harm, with borrowers more likely to become delinquent on their credit cards, face difficulty in paying other bills, delay medical care, and, ultimately, file for bankruptcy. The average borrower has 9 payday loan transactions each year, typically on a back-to-back basis. This results in borrowers paying more in fees than they are extended in credit.

Your bill would codify the Federal Deposit Insurance Corporation's standard, which prohibits new loans to borrowers who have already been indebted 90 days in a given year, the equivalent of six two-week payday loans. This would ensure that these short-term small loans are used as intended, rather than becoming a long-term financial burden for families already living paycheck-to-paycheck.

If enacted, this legislation would represent a key step forward toward our long-term goal of protecting consumers through a 36 percent annual percentage rate cap on small loans. We commend you on your efforts to reduce the incredible damage caused by this industry to low- and moderate-income families and look forward to working with you to pass this legislation.

Sincerely,

MICHAEL P. CALHOUN,
President.

Mr. DURBIN. Would the Senator yield for a question?

Mrs. HAGAN. I will yield to the Senator.

Mr. DURBIN. I wish to thank the Senator from North Carolina for her leadership on this issue involving title loans and payday loans. I know she led the fight in her home State of North Carolina before she came here to the Senate.

I wish to ask the Senator from North Carolina, is it not true we passed a law a few years ago to protect military families from being exploited by these same lenders, arguing that, here we are, investing all this money in training and preparing men and women to serve in our military, and then they are ensnared by these payday loan operations, they find themselves at their wit's end, they cannot make their payments, they are facing bankruptcy, and many of them had to take leave or be discharged from the military because of these miserable payday loan operations? Is it not true we passed a law protecting military families from this kind of predatory lending a few years ago?

Mrs. HAGAN. The Senator from Illinois is certainly correct. I believe, instead of anywhere near a 400-percent rate, there are limitations of 36 percent. The Senator is correct.

Mr. DURBIN. So I further ask, through the Chair, the Senator from North Carolina is saying, if we want to protect military families from this outrageous conduct by these lenders, then should not we protect all American families who might be in similar circumstances, ensnared by these people who will continue to roll these loans over and over to the point where a person cannot possibly pay it off?

Does not the Senator's amendment say there has to be a limit to the number of rollovers on the loans, and is not the limit somewhere in the range of six rollovers, six times rolled over as a maximum?

Mrs. HAGAN. The Senator is exactly right. This amendment allows, if a family does need to have a short-term advance, for a short-term advance, renewable six times. They can have six of them within a 1-year period of time. If at that point they cannot repay it, the institution has to give them a longer repayment schedule.

We are not saying these loans cannot be given. But that recurring debt over and over and over again is what should be stopped by limiting it to six a year.

Mr. DURBIN. I thank the Senator from North Carolina for her leadership. These are truly the bottom feeders of the credit industry in America.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and that I be allowed to call up amendment No. 3744.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, and on behalf of—would the Chair please restate the request.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator seeks permission to call up amendment No. 3744.

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am about to make a unanimous consent request, and I will describe what I am going to request first so Members are aware of this.

Senators MERKLEY and LEVIN, along with many others, over the past number of weeks have worked very hard to develop an amendment dealing with proprietary trading; that is, to ban the use of depositors' monies for excessive risk taking on the part of financial institutions.

This is a complicated area, we all admit and acknowledge. It takes a lot of work. The Treasury Department has been involved, and many others in this Chamber, who have had a strong interest in supporting the efforts of Senator MERKLEY and Senator LEVIN, have crafted and worked on this.

We wish to have a vote on that amendment, even, in fact, just a 50 vote, up and down. Over the last 3 or 4 weeks, I have been happy to have more amendments. I think some 40 or 45 amendments have been considered in this Chamber, the overwhelming majority on a simple 50-vote margin. Some have required 60 votes, I acknowledge that. But I am being told that even a 60-vote requirement on this amendment would be objected to. I think that is terribly unfortunate. This is a critical piece of financial reform. To exclude it, or even the ability to vote on it, I think would be wrong.

I ask unanimous consent that the pending amendment be laid aside and that amendment No. 4101 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, although I don't necessarily believe I will vote against the Levin-Merkley amendment, if it is brought up and debated, a number of my colleagues are not here on the floor and have asked me to lodge an objection. So on their behalf, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the next amendments in order be the following: Grassley-McCaskill amendment No. 4072 and Bingaman amendment No. 3892; that the Bingaman amendment be modified with the changes at the desk; that a Lincoln amendment as a side-by-side to the Bingaman amendment also be in order; and that Senators GRASSLEY and MCCASKILL each be recognized for a period of 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object—and I will not object—I want to ask the Senator from Connecticut if he might add to that unanimous-consent request that following that, amendment No. 4109, which I have filed, be considered at that point.

Let me explain. I had filed an amendment. We have modified it. The amendment, properly filed, as I had modified it, is amendment No. 4109. It is the amendment that deals with the issue of naked credit default swaps. As my colleague knows, I have been here for 2 weeks attempting to get it pending.

I ask that the unanimous consent request be modified to include making amendment 4109 pending following the disposition of the other two amendments.

Mr. DODD. I have no objection to that.

First of all, can we get the first unanimous consent agreed to, to deal with those two amendments; that is, Grassley and Bingaman?

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I am OK on the first one.

The PRESIDING OFFICER. If there is no objection to the first part, it is so ordered. There is no objection on the first part.

Is there objection to the request of the Senator from North Dakota?

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that there is a question now about how to proceed with respect to which amendments might be allowed to be offered by the two sides. It appears to me, at least from my perspective, that some have decided we will only allow amendments we prefer to be allowed and others who have amendments will not be allowed to offer amendments from this point on.

My colleagues know I have been here I guess a couple of weeks with an amendment. It is filed, No. 4109. It deals with trillions and trillions of dollars of what are called naked credit default swaps—one of the significant problems that caused part of the near collapse of our economy. I have been here now attempting to get this amendment pending because if there is a cloture vote tomorrow, those amendments that are not pending will not be allowed to be offered and voted upon. I am attempting to get this pending.

What we have appears to me to be gatekeepers who decide we will only allow these amendments through the gate, and someone else, unnamed, unknown, will decide that we have to have somebody else object for them. So the result is that an amendment such as this—and I assume there are others as well—would not be able to be considered. To have the negotiations between the manager and the ranking member now come together and decide, well, only amendments they will allow us to offer will be offered—if that were the standard, maybe we could go back and I could think of half a dozen or a dozen amendments that we already had offered and had to vote on that probably we should have said: Let's not offer those. Those are inconvenient, uncomfortable. I don't want to vote on that. But we have not done that. None of us have done that.

Now, all of a sudden, we have been told: Someone else wants us to object, so therefore you can't offer your amendment. That is just, in my judgment, not an acceptable way to proceed.

While I guess we are waiting, I encourage somebody, if they wonder whether the amendment I have filed, No. 4109, dealing with naked credit default swaps—if they are wondering whether there is an urgency to this issue, read the book ''The Big Short'' by Michael Lewis. When you are finished, come back to the floor and ask if you can support this amendment or how quickly you can support this amendment. It is unbelievably necessary to do if, in fact, we are going to finish financial reform and claim we have reformed the financial system.

It is pretty hard for me to understand how we proceed if the point is that someone else has decided exactly which amendments will be tolerable to be considered and those of us who have amendments that are a little more difficult, perhaps a little more aggressive in trying to fix those things, shut the door on the kinds of practices that caused the near collapse of the American economy, if our amendments are inconvenient to someone, we are told: You will not have an opportunity to do this. We will just pick other amendments that we think are fine, amendments that don't have quite as much bark or bite to them. We will consider those amendments along the way, and when we get to the end, if your amendment is not considered, that is just tough luck.

It is much more than tough luck, it seems to me, for the American people.

I have a series of charts. I would like to offer the amendment and have it pending. I have previously been here asking unanimous consent. It was objected to. I have spoken earlier on the floor and was told it would be considered.

If I may have the attention of my colleague from Connecticut, we didn't get to that second portion of the previous UC. Let me ask unanimous consent that following whatever other business has previously been agreed to, amendment No. 4109, which I have properly filed, be considered pending and that we would be able to consider amendment No. 4109.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Let me say to my colleague, we have been on this bill now for 3 or 4 weeks. We have considered almost 50 amendments. I have a list of about 49 amendments I sent to the minority several days ago, including amendments offered by Democrats, Republicans, some of them bipartisan amendments, that I would be more than willing to accept. I know the minority is looking at them, and they may accept some and reject others. There is that group of amendments. We have a list of about 20 different amendments here, some of which are, like my friend's from North Dakota, controversial amendments that I would like the opportunity to debate and bring up.

The difficulty of managing from this seat is that, obviously, once consent is given for an amendment to be pending, it takes consent then to lay it aside and move forward. Then we turn over to any one Member of this Chamber the ability to veto virtually all other amendments because it takes unanimous consent by this Chamber to agree to proceed to something else. So what it does is allow one Senator to tie up——

Mr. DORGAN. Will the Senator yield for a question?

Mr. DODD. Certainly.

Mr. DORGAN. Has that happened at this point? I don't know of a circumstance where someone, during debate on this bill, has objected to setting the pending amendment aside. I have seen it happen, but that is not what has happened on this bill.

Mr. DODD. As my colleague knows, I happen to be supportive of trying to get to his amendment, trying to negotiate so we can get his amendment up at this point. There are also other amendments we might be able to clear out of the way before we do that. If we stop everything from moving before we get this matter resolved, of course, it deprives others of having a chance to have an amendment considered. That is the effect of it.

Again, the Senator has the right to do it, obviously, objecting to anything going forward. Any one Senator can do that. My colleague has as much right as anyone else to do it, but there is an effect on a lot of other amendments to that. I certainly would not argue about the Senator's right to do it, but the consequence of it is such that other amendments then do not go forward.

Mr. DORGAN. Mr. President, will the Senator yield for a further question?

Mr. DODD. Yes.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. It is not just me. It is my understanding that the Levin-Merkley amendment is in the same position. So it is a circumstance, it appears to me, where someone said: Well, now, it is inconvenient for us to vote on things that are a little bit controversial or have a little more bite to address these issues. Because it is inconvenient, we are going to object, so you are not going to be able to offer those amendments. I do not know how we got to this cliff, but falling off that cliff is not acceptable to me. We have been voting for 2 weeks and people have been able to offer amendments. I voted on amendments I did not want to vote on from the other side. They had a right to offer them, and I voted on them. That is fine.

Was there a moment when we decided, all of a sudden, that the other side will have a veto authority over our ability to offer amendments of any consequence? I do not know when that happened, but that is totally inappropriate, given the couple weeks we have been through here.

Mr. DODD. Again, my colleague has a right to object if he decides to do so. I just explained what the consequences are of that decision. That is all.

The PRESIDING OFFICER. The Senator from North Dakota still has the floor.

Mr. DORGAN. Well, Mr. President, listen, my objective is not to obstruct or to try to slow anything down. My objective is to allow people to offer amendments, especially those who have been here for some long while, to offer amendments that are consequential relative to the issue of financial reform.

If from this day forward, we have decided—or from today forward we have decided that if someone on the other side—who is at this point unknown—is going to object to amendments that are uncomfortable, amendments that I think will strengthen the bill, this is not much of a process anymore. We will, I guess, pick out the amendments that deal with tourism or babies or whatever it is that is uncontroversial to everybody and pass those and then go on to final passage. Those who had other amendments of consequence are told: Someone objected. We are not quite sure who.

So I guess what I can do is say that I will object to having people decide we will only deal with noncontroversial amendments and that those amendments of substantial consequence to this bill are not relevant enough to be considered.

So I wish that were not the case. But I am not going to sit here and say: Yes, go ahead and just pass over these amendments and pick out some amendments you like. If everybody can agree on amendments we like, you can offer them and we will have votes and no one will have concern over it. But if there are amendments that somebody does not like, you are not going to be able to offer them because someone is going to object.

It does not make much sense to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, is there still a unanimous-consent request pending that the Senator from Connecticut made some while back that there was never an objection heard on?

The PRESIDING OFFICER. That consent request was granted.

Mrs. McCASKILL. OK. So based on that consent request, I would like to talk about amendment No. 4072, the Grassley-McCaskill IG amendment. This amendment is about having a cop on the beat. We have talked a lot about a cop on the beat as it relates to a consumer agency. But in internal workings of these agencies, there are people who are very special in our government who have eyes and ears inside agencies who can find problems, who in fact are our inspectors general.

This amendment will strengthen the independence and the working role of the inspectors general in these agencies that have such an important power over our financial sector. In fact, it was the failure, in some ways, of appropriate oversight that got us into this mess in the first place.

Senator GRASSLEY has been a champion of inspectors general for many years, and since I came to the Senate, I have tried to focus on this because I came here from being a government auditor. For 8 years, I did nothing but government auditing, and I have deep and abiding respect for the professional auditors in our Federal Government who are the watchdogs for taxpayers inside the halls of our government.

This amendment will do a couple of important things.

One, it is going to create a council of inspectors general in the financial sector, the SEC and the CFTC and the FDIC, and they will have to meet four times a year. At that meeting, they are going to have a forced opportunity to compare notes, to talk about the investigations they are doing, to make sure they are not duplicating each other's work, and, most importantly, to talk about systemic risk and are they getting at it in a collective way. It does not cost anything. It is just smart. That is one part of this amendment.

The other part of the amendment has to do with how these inspectors general are selected. There are different kinds of inspectors general in our government. Some are appointed by the President. Some are appointed by the agencies. I will say that anybody who thinks those appointed by the President are the most independent is wrong. Anybody who thinks those appointed by the agencies is the most independent is wrong.

I believe the independence of inspectors general has everything to do with whether someone is selected who is professional and who is going to be independent of any influence.

Here is my reason for supporting this amendment so fully. It is a bad idea to change right now how these inspectors general are selected. We need continuity right now. We need consistency. What we have done in this amendment is change it so these inspectors general will now report to the entire boards they serve and not to just the head of the agency. That is where you can get the cozy relationship and get into trouble. That is why, in fact, this amendment is needed.

It also requires that two-thirds of these boards will be required to fire an inspector general. So this amendment will, in fact, make sure we have continuity, we have a cop on the beat in terms of these inspectors general right now and going forward, and it strengthens their independence and their ability to work with each other.

I will say we have lots of nominations pending, and the notion that we would decide we need five more nominations pending with, I am afraid, secret holds that might come about—we have one inspector general who has a secret hold now—I certainly do not want the inspectors general for these agencies to be held up with secret holds over the next couple years and us have a lack of continuity and certainty in terms of leadership at these important organizations as we move forward to clean up this mess that has occurred in our financial sector.

So I urge my colleagues to support the Grassley-McCaskill amendment, amendment No. 4072.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Missouri, my friend, has given a very good explanation of this bill. Before I give my version of it, which will be similar to hers, I wish to compliment her because she is in a position of jurisdiction over IGs. She has done a very good job of strengthening these positions in other legislation she has sponsored. So I feel very good to be in the company of the Senator from Missouri on this amendment.

Our amendment would correct serious problems in section 989B of the Dodd-Lincoln substitute. This section of the bill would change the way that five inspectors general are hired and fired.

Currently, these five inspectors general are hired and fired by the agency that they oversee, but section 989B would put the President in charge of hiring and firing them. This provision was included because the sponsors of the legislation believe that making inspectors general Presidentially appointed will make them more independent.

However, rather than strengthening oversight over our financial institutions with more independent watchdogs, section 989B could introduce politics into what have traditionally been career, nonpolitical positions.

Under the Inspector General Act of 1978, there are two types of inspectors general, presidentially appointed IGs and designated Federal entity IGs, DFE IGs. Both types of inspectors general are tasked with hunting down waste, fraud, and abuse at Federal agencies. However, there are some major differences in how they are appointed and removed from office and how they operate.

DFE IGs are appointed by the agency rather than the President. The Inspector General Act created 30 of them, not just the 5 addressed in this bill. The agency-appointed IGs typically run smaller offices than Presidential appointees, often with just a handful of employees. Almost all of them oversee agencies that are headed by a bipartisan board or commission.

By contrast, Presidentially appointed IG's generally run much larger offices and employ dozens or hundreds of employees to oversee Departments such as the Department of Defense, the Department of Justice, Health and Human Services, and so on. They are nominated by the President and confirmed by the Senate. They are subject to removal at any time by the President. However, the President must provide Congress 30 days notice and a written list of reasons for dismissing the inspector general.

Agency-appointed IGs have a similar protection requiring that the agency notify Congress in advance of the reasons for any removal.

The sponsors of section 989B argue that because agency-appointed IGs are hired and fired by the agency they oversee, they might be tempted to pull their punches more than someone who could only be fired by the President. I actually agree that this is a potential problem. However, the solution in this bill misses the mark.

Unfortunately, section 989B only attempts to address this independence issue at five of the 30 agency-appointed IGs. In my view, this fix is too narrow. In addition, it attempts to ensure independence by replacing these five IGs with Presidential appointees.

There is no evidence that Presidential appointees will be more independent than their predecessors. There have been problems in the past with Presidential appointees being too cozy with the agency they are supposed to oversee or pulling punches for political reasons.

There is strong evidence that agency-appointed IGs can be fiercely independent despite the possibility of being removed by the agency head. It all depends on the quality of the appointment.

For example, David Kotz, the Securities Exchange Commission inspector general has exposed the SEC's failures in the Madoff and Stanford cases, and is currently looking into the timing of the government suit against Goldman Sachs. Similarly, the Pension Benefit Guarantee Corporation's, PBGC, inspector general aggressively investigated the former head of the agency, Charles Millard, and has challenged the acting director about providing inaccurate information to Congress. Despite the potential risks of being replaced, these IGs have not been timid about challenging their agencies to improve.

Because of the way section 989B is currently drafted, these IGs could be summarily dismissed soon after the bill is signed into law. Under this provision, each IG could continue to serve but only until the President nominates a replacement. Once the President makes a nomination, the IGs would no longer enjoy legal protections for their independence and would become instant lame ducks. In fact, SEC Inspector General Kotz recently stated that if this provision becomes law it will effectively end some of the ongoing investigations his office has at the SEC.

There is a practical problem with Presidential appointments as well. This administration does not have a great track record in filling vacancies in an expeditious manner. Having no watchdog on duty is a concern for all Americans.

There are over a dozen IG positions where there is a vacancy, an acting, or an interim IG. The administration waited 18 months to appoint an IG at the Federal Housing Finance Agency, which oversees Freddie Mac and Fannie Mae. That is 18 months without strong leadership able to direct audits, investigations or examinations of agency policy. That's 18 months without a cop on the beat. Maybe that is the way the administration likes it. I am sure the bureaucrats at these agencies would enjoy life more without an inspector general asking questions. Imagine if the SEC were not held accountable for their failures in stopping the Madoff or Sanford Ponzi schemes.

This bill would create five lame ducks in the IG community and the potential for more extended vacancies unless we fix it. There would be far less oversight during the lengthy transition process under the current bill with no guarantee of vigorous oversight by the new appointees. Essentially, this provision could politicize the positions that have historically been filled by career public servants.

I know the goal of this provision is to enhance IG independence, but there are better ways to protect the independence of these IGs than by replacing them with Presidential appointees.

We should do it more effectively and make sure that all agency-appointed IGs are more independent, not just the five singled out in the bill. That is why I am offering this amendment. The Grassley-McCaskill amendment simply applies the same sort of protections that have worked for one of the 30 agency appointed IGs to the other 29 agency-appointed IGs. The Postal Service inspector general enjoys enhanced protections and my amendment would extend those protections more broadly.

Our amendment would strike section 989B of the bill and replace it with a system that will bring true reform, independence, and accountability.

It would make the IGs report to the entire bipartisan board or commission heading their agency, and the IG could only be removed for cause by a ⅔ majority vote of the bipartisan board or commission. This would ensure that should an agency make a political attempt to remove an IG, there would be the possibility of dissent among the board or commission members.

These are serious protections from political interference currently enjoyed by the Postal Service IG, but it also allows an IG to be held accountable when necessary. These same provisions have worked for the Postal Service inspector general and it is time to extend them to all the agency-appointed IGs.

It also holds IG's accountable by requiring that they disclose the results of all their peer reviews in the semi-annual reports to Congress, thereby making them public.

This amendment strikes the right balance, improving both independence and accountability of all DFE–IGs. In fact, even the White House has gone on the record telling the Center for Public Integrity, ''the administration does not support in any way politicizing the function of the Inspector General and we have not proposed these changes'' in the Dodd-Lincoln substitute.

The amendment is supported by the nonpartisan Project on Government Oversight and has bipartisan support from members on the committee with jurisdiction over the IG Act. This important amendment deserves an up-or-down vote at the appropriate time.

In summary, our amendment would correct serious problems in section 989B of the Dodd-Lincoln substitute. This section of the bill would change the way that five inspectors general are hired and fired. Currently, these five inspectors general are hired and fired by the agency they oversee, but this section of the bill would put the President in charge of hiring and firing them. This provision was included because sponsors of the legislation believed that making inspectors general presidentially appointed would make them more independent.

However, rather than strengthening oversight over our financial institutions with more independent watchdogs, this section could introduce politics into what has traditionally been career, nonpolitical positions. It is important to ensure that this bill does not then hurt the oversight of these designated Federal regulatory agencies by the inspectors general.

I think our amendment corrects the potential to create long-term vacancies at five important regulatory agencies that, quite frankly, cannot afford to have these sorts of vacancies and not have the proper oversight.

The amendment provides true transparency, and with transparency you get accountability among inspectors general. We are going to bring about real independence—or maybe it would be better for me to say maintain the independence these folks have shown already.

We should take steps to make all agency-appointed IGs more independent, not just the five addressed in the bill. These five should not be singled out. The amendment before us makes the IGs report to the entire bipartisan board or commission heading their agency and requires a two-thirds vote to remove an inspector general.

I will not speak about the peer review Senator MCCASKILL has already spoken about. But I think it is important we have semiannual reports to Congress on the effectiveness of the people in their various positions. By reporting to the entire bipartisan board or commission rather than just the chairs, these IGs will be further insulated from political influence. As a consequence, they will be more independent. So in the final analysis, I think this brings the right balance to the independence of it.

As I said, this amendment is supported by the nonpartisan Project On Government Oversight. Because it comes from another committee of jurisdiction, I am glad that through Senator MCCASKILL and other people on the committee, we have bipartisan support from the committee of jurisdiction.

This is an important amendment and deserves an up-or-down vote at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, let me commend my colleagues from Iowa and Missouri for raising an issue of this importance. Senator MENENDEZ of our committee, the Senator from New Jersey, has an interest in the subject matter, I explain to my good friends and colleagues from Iowa and Missouri, and he may want to be heard on this amendment.

I understand the purpose and the intent, and in many respects I agree with my colleagues from Iowa and Missouri. But in fairness to my colleague from New Jersey, I wish to give him a chance to respond, as a member of our Banking Committee. So if we could just pause for a few minutes and give him an opportunity to come to the floor and say why he believes the existing language in the bill has merit, I would appreciate that.

So I wish to suggest the absence of a quorum and give him a chance to come on over and make his case. Then, hopefully, we can get to a vote. In the meantime, I do not know if Senator BINGAMAN is here or others are here who would like to be heard on the Bingaman amendment and the side-by-side I think being offered as well. That would certainly be a useful use of the time. People could go and discuss that particular proposition while we are waiting to hear from Senator MENENDEZ.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I am going to speak for a few moments about the amendment I just referenced, amendment No. 4109, which was filed and to which there has now been an objection. As I have indicated to my colleague, objections run both ways. I could sit here and object as well to most things that are going to go on here, if we have a gatekeeper or several gatekeepers who decide that two amendments that would get a little tougher on Wall Street are amendments they don't want to vote on; if they don't want to countenance an amendment that would tighten the strings just a little bit.

Let me speak about what this amendment is because it sounds like a foreign language, ''naked credit default swaps.'' ''Credit default swaps'' by itself sounds like a foreign language. The reason is they haven't been around all that long. This is an exotic financial instrument that was created to allow certain things to happen on Wall Street between banks and big hedge funds and so on. If we have not yet at this point understood the danger of this unbelievable orgy of speculation in credit default swaps—and especially what are called naked credit default swaps—then I guess we are destined to never fully understand what happened, and that is fine. Maybe some people don't want to know what happened.

A naked credit default swap is pretty simple. Someone out there needs some money, so they issue bonds. Someone else buys the bonds. Now they hold the bonds and the person who issued them has the money. The person who bought the bonds wants to make sure the person who issued the bonds won't default, so they want to buy an insurance policy from someone else, a credit default swap. So for a small amount of money, they buy an insurance policy against the bonds defaulting. It is a relatively recent phenomenon where all of this has been created.

Normally speaking, if someone issued bonds, the other people bought the bonds and they did due diligence on the other side to decide if this is a good risk, and that is the way it worked. Now they buy insurance called credit default swaps.

The difficulty is credit default swaps are now called naked credit default swaps if, in fact, they have no insurable interest at all. That is a credit default swap that bets that someone who issued bonds is going to default, despite the fact that neither party to this transaction ever has purchased any of those bonds. They don't have an insurable interest in the bonds; they just made a bet. They have said: We have not bought those bonds over there. But those bonds were issued, and we would like to make a wager. We think those bonds are probably going to default. Someone else says: I don't think they will. So you have a naked credit default swap with no insurable interest in anything.

Why is that troublesome? Well, I can't buy fire insurance on the house of the Presiding Officer in Alaska. Why would they not allow me to buy fire insurance on his house? Because I don't have an interest in his house, and they don't want about 10 or 15 people having a fire insurance policy on his house. The only way you can get fire insurance is if you have an insurable interest. I can't buy a life insurance policy on someone else's life because I don't have an insurable interest.

Those are rules most of us understand. You can't buy fire insurance against somebody else's house; you can't buy a life insurance policy against somebody else's life. But Wall Street has discovered there is a new way to allow someone to buy insurance policies or speculate in certain kinds of insurance without ever having an interest; that is, allowing two parties to speculate on whether a third party might default on a bond issue they placed with a fourth party, despite the fact that the first two parties have no interest in that at all. It is just as if they went to Las Vegas and one bet on red and the other bet against red on the roulette wheel. It is just a flatout bet. It is not an investment; it is just a bet.

Let me talk about how prevalent this is, just because I think it is important. There was about $10.9 trillion in naked credit default swaps held by commercial banks in the fourth quarter of last year; $10.9 trillion held by commercial banks. Those are institutions, by the way, whose deposits are insured by us, by the American taxpayer, by the FDIC. Up to $19.9 trillion of naked credit default swaps are held by the top 25 holding companies.

It is estimated by one expert that as much as 80 percent of the credit default swap market is traded by firms that don't own the underlying debt. There is also a United Kingdom report shared by the Congressional Research Service that says only 20 percent of the credit default swaps are estimated to be covered. That means 80 percent of all of this paper that is put out there in credit default swaps is so-called naked. It has no insurable interest. It is a bet rather than an investment.

Let me just show what some of the experts are saying about this. One of the editors of the Financial Times says: I can't understand why we are still allowing the trade in credit default swaps—he meant naked swaps—without ownership of the underlying securities. A generalized ban on so-called naked CDS's should be a no-brainer.

It ought to be a no-brainer. It is not a no-brainer in this Chamber, apparently. A naked CDS purchase means someone takes out insurance on bonds without actually owning them. It is a purely speculative gamble. There is not one social or economic benefit.

My amendment is trying to shut this down, but I am being blocked by those who don't want us to get tough on Wall Street.

Charlie Munger, who is the partner of Warren Buffett and who has spoken a lot about these issues, said:

> If I were the governor of the world I would eliminate credit default swaps entirely, 100 percent. That's the best solution. It isn't as though the economic world didn't function quite well without it and it isn't as though what has happened has been so wonderfully desirable that we should logically want more of it.

Do we need to go to the edge of a cliff again with this economy, with tens of trillions of dollars of notional value of credit default swaps before we decide this is a problem for our country and for our future?

Again, the associated editor of the Financial Times:

> Another argument I have heard from a lobbyist is that naked CDS's allow investors to hedge more effectively. That is like saying that a bank robbery brings benefits to the robber.

Well, I guess so.

George Soros, a pretty good investor I might say, made $3 billion last year, I am told in the reports:

> CDS's are toxic instruments whose use ought to be strictly regulated: Only those who own the underlying bonds ought to be allowed to buy them.

Well, those are a few thoughts from some people of consequence: editor of the Financial Times, Charlie Munger; George Soros; and others. But it describes a very significant problem. It describes, in my judgment, a fairly large portion of what caused this country's economy to teeter on the edge of a cliff.

The Treasury Secretary one day comes and leans across a lectern on a Friday and says to us: You need to ante up $700 billion and pass a three-page bill in 3 days or the economy might collapse. Now, a year and a half has passed, a little more, and some, I think, have too quickly forgotten the lessons.

So the question is, Are we going to do something about naked credit default swaps, about the unbelievable orgy of speculation, the bubble of speculation that exists to the tune of tens of trillions of dollars?

Let me read it again:

> Up to $10.9 trillion in naked credit default swaps were held by commercial banks in this country in the fourth quarter of 2009.

I am talking about up to $10.9 trillion of naked credit default swaps in the bowels of commercial banks. These are institutions that we guarantee, we underwrite.

I don't understand at all the notion that we should be prevented from addressing this issue. It may be that we have people here willing to shake the pompoms and be cheerleaders for naked credit default swaps. Good for you, if that is the way you feel. It is just you have missed a significant chapter of American financial history. But if you feel that way, vote against my legislation. My legislation would ban the use of naked credit default swaps.

> After the phase-in period, they are gone. If you don't have an insurable interest, they are gone. It is a simple enough proposition to say: Why should we have 5 or 10 times the number of insurance policies against bonds than there are bonds to insure? Why should we allow that? We don't allow it in other circumstances.

I understand the offering of this amendment and the shutting down of naked credit default swaps will cost Wall Street a substantial amount of money. They will not get fees on these things. I understand that. This is all about churning and getting fees and making a lot of money. I understand all that. I also understand sometimes this notion of making a lot of money in a short period of time by cutting corners and by doing things that aren't appropriate is the wrong thing.

My colleagues know and I know that we saw banks being robbed in this country. Yes, we saw banks being robbed in the last several years. In the old days, when I used to watch the western movies, you could tell who the bank robber was. They usually had a bandana, they brandished a couple of six-guns. Often they stopped a train or they ran into a bank, and that is the way they robbed things.

In the last several years, there have been some bank robberies going on in this country, and I can refer you to a lot of contemporary writing that describes the way those banks were robbed. Two people driving home from work, each making $20 million, one supervising the other in one of the biggest investment banks, loading that bank up with unbelievably risky investments because they know at the end of the day, somebody is going to lean over a lectern and say: Oh, by the way, we need to bail all these folks out.

The folks who went to the basement of the Securities and Exchange Commission, I believe, in the year 2004—

said: We need you to allow us, the biggest investment banks in the country, to extend our leverage from 12 times to 30 times and more. You need to give us the opportunity to free up some money by exacerbating the leverage capabilities we have. The Securities and Exchange Commission, ever the compliant regulatory agency, said: Yes, sir—saluting handily in the basement of their building—absolutely, go right ahead.

By the way, one of those companies was run by Mr. Paulson who, 2 years later, came back as Treasury Secretary and leaned across the lectern and said: I need $700 billion to bail out these companies.

What was part and parcel of that which caused these companies to almost ruin this economy? Naked credit default swaps, just flatout gaming. Not investing, just betting. The question is, Do we want to continue to do that?

I fear we are going to pass a piece of legislation that does not address too big to fail. At the end of the day, we will have institutions that are still too big to fail. I have an amendment on that, but I haven't bothered because we already did one amendment on too big to fail, the Brown-Kaufman amendment. That got 33 votes, too big to fail. Banning these unbelievable speculative instruments like naked credit default swaps, if we can't do that, it is very hard, it seems to me, to climb on the high step and say we have taken on this subject. We have really made sure this isn't going to happen again. So I have an amendment that is filed, and now I am told that, no; it is inconvenient and uncomfortable for me to offer this amendment and, therefore, someone has objected.

To my colleague from Alabama, I would say I understand. He is required—when people in the caucus say there is an objection, his job is to reflect the objection of someone in his caucus. So my beef is not with him. But I would just say that it is not acceptable to me to, at 5 o'clock on Tuesday, have a process by which we have now decided that if amendments are inconvenient—getting a little too tough on Wall Street; trying to draw the strings a little tighter on things that have to be fixed in this bill—if that is the case, well, then, you know what. We are not going to allow those things to be offered. We will just sit here and offer amendments on tourism or something else equally benign.

If that is the case, then I will just sit here as well and say that is not a process I respect. It seems to me we ought to have the right to bring to this Chamber at this point, given the shadow of what we have been through as a country, the right to bring amendments to this bill that try to address some very significant problems; the right to bring them to the floor, to have a debate, and to offer them for a vote. If that is not going to be the case, then I am going to sit here and object to proceeding until it is the case.

So my colleague, Senator BINGAMAN, I know is here. I have more to say, but I will save it because I fully expect either to get to this amendment or to be sitting here for some long while, and I will have an opportunity again to talk about naked credit default swaps, their danger to this economy, and why, when this bill is done, it ought to include the provisions of amendment No. 4109 which bans the use of naked credit default swaps and says there is a place to gamble in America and it is not in a bank lobby.

If you want to put a Keno table or a blackjack table in a bank lobby, shame on you. We ought to pass this amendment, and, most importantly, we ought to allow amendments to be offered. I will sit here until that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 3892, AS MODIFIED, TO AMENDMENT NO. 3739

Mr. BINGAMAN. Madam President, I call up amendment No. 3892, as modified, for consideration.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Ms. MURKOWSKI, Mr. REID, Mr. BROWNBACK, Ms. CANTWELL, Mr. CORNYN, Mr. WYDEN, Mr. CORKER, Mr. INOUYE, Mrs. MURRAY, and Mrs. SHAHEEN, proposes an amendment numbered 3892 to amendment No. 3739.

Mr. BINGAMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To preserve the authority of the Federal Energy Regulatory Commission to ensure just and reasonable electric and natural gas rates and to protect the public interest)

On page 565, between lines 2 and 3, insert the following:

(e) JUST AND REASONABLE RATES.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) (as amended by section 717(a)) is amended by adding at the end the following:

''(vi) Notwithstanding the exclusive jurisdiction of the Commission with respect to accounts, agreements, and transactions involving swaps or contracts of sale of a commodity for future delivery under this Act, no provision of this Act shall be construed—

''(I) to supersede or limit the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.);

''(II) to restrict the Federal Energy Regulatory Commission from carrying out the duties and responsibilities of the Federal Energy Regulatory Commission to ensure just and reasonable rates and protect the public interest under the Acts described in subclause (I); or

''(III) to supersede or limit the authority of a State regulatory authority (as defined in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)) that has jurisdiction to regulate rates and charges for the sale of electric energy within the State, or restrict that State regulatory authority from carrying out the duties and responsibilities of the State regulatory authority pursuant to the jurisdiction of the State regulatory authority to regulate rates and charges for the transmission or sale of electric energy.''.

(f) PUBLIC INTEREST WAIVER.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) (as amended by section 721(d)) is amended by adding at the end the following:

''(6) If the Commission determines that the exemption would be consistent with the public interest and the purposes of this Act, the Commission shall, in accordance with paragraphs (1) and (2), exempt from the requirements of this Act an agreement, contract, or transaction that is entered into—

''(A) pursuant to a tariff or rate schedule approved or permitted to take effect by the Federal Energy Regulatory Commission;

''(B) pursuant to a tariff or rate schedule establishing rates or charges for, or protocols governing, the sale of electric energy approved or permitted to take effect by the regulatory authority of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy within the State or municipality; or

''(C) between entities described in section 201(f) of the Federal Power Act (16 U.S.C. 824(f)).''.

Mr. BINGAMAN. Madam President, the amendment that is before the Senate, No. 3892, as modified, is one I talked about at length a week ago last Friday, so it has now been about 11 days ago. I will summarize it again and make some comments about some of the things that have happened since then.

First, let me ask unanimous consent to add Senators SHAHEEN, MURRAY, and INOUYE as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, with the addition of those three Senators, the other cosponsors on the amendment are Senators MURKOWSKI, REID from Nevada, BROWNBACK, CANTWELL, WYDEN, CORNYN, and CORKER.

The amendment preserves the existing authority of the Federal Energy Regulatory Commission and the authority of the States to be sure that electricity and natural gas rates are just and reasonable, while at the same time leaving the Commodity Futures Trading Commission its full authority to police derivatives and futures markets.

First, I applaud the good work Senator DODD and Senator SHELBY have done on this bill. I particularly applaud the provisions that have come from Senators LINCOLN and CHAMBLISS and the Agriculture Committee in setting up a system to get control of derivatives markets.

I am, however, concerned that without this amendment, the law could be interpreted to allow the Commodity Futures Trading Commission to override the jurisdiction the Congress has given to the FERC and that the new provisions included here could make this problem worse.

There is probably not a sector of the economy that is more tightly regulated than the electricity industry. The natural gas industry is not far behind for a claim to that title. FERC regulates wholesale rates and transportation in interstate commerce for both electricity and gas and must approve mergers of utilities. FERC also has authority to police the manipulation of electricity and gas markets, granted by the Congress in 2005 as a response to Enron's manipulation of electricity markets in the West. The States have that same authority for retail sales both with regard to electricity and natural gas. There are tight rules for transactions among affiliates of holding companies in these industries. There are extensive transparency and reporting requirements for contracts and transactions. This is all intended to be sure that the customers of utilities are getting what they are paying for and that they are paying rates that, in fact, are just and reasonable.

The concern has been that the exclusive jurisdiction of the CFTC under the Commodities Exchange Act could be interpreted to supersede the regulation by FERC of important aspects of these industries.

The amendment I am offering with my cosponsors is a proposed solution that I believe is consistent with the philosophy of consumer protection that underlies other parts of the bill we are considering. The effect is simple. This amendment preserves the authority of both the Federal Energy Regulatory Commission and the individual States to ensure that electricity and natural gas rates are just and reasonable, and in the case of FERC, to prevent market manipulation that could affect prices.

Direct examination of prices is central to each agency's mission. In FERC's case, this authority is longstanding; it was established over 70 years ago. Without this amendment, a critical check on energy prices could be lost, and this is so for two obvious reasons: First, the CFTC's so-called ''exclusive jurisdiction'' could be interpreted to operate to prevent FERC and State public utility commissions from acting, where their jurisdictions intersect the CFTC's jurisdiction. Second, the CFTC's regulatory mission differs significantly from that of the FERC and the State public utility commissions. The Commodity Futures Trading Commission's mission is to protect market participants and promote fair and orderly trading. It doesn't directly examine commodity prices in its markets, nor does it consider the reasonableness of rates. While properly functioning futures markets are important, the CFTC cannot duplicate the direct ratepayer protections provided by the FERC and by the State public utility commissions.

There are some things this amendment does not do that it has been charged with doing. First, it doesn't give FERC jurisdiction over futures, swaps, or options. FERC has jurisdiction over rates for the sale of electricity and gas and contracts that are associated with those sales. Derivatives that are related are still jurisdictional to the Commodity Futures Trading Commission. Nothing changes in that regard. We are merely preserving that authority that the Federal Power Act and the Natural Gas Act gave to FERC decades ago and in the Energy Policy Act of 2005. Second, the amendment doesn't give FERC jurisdiction over NYMEX or ICE or any other futures exchanges. They are not public utilities. They do not sell electricity or natural gas.

As I have said, I support this bill generally. I believe it is essential in ensuring that consumers are protected. However, both I and my cosponsors strongly believe it is necessary to preserve enduring consumer protections that might otherwise be lost.

It is a simple, tailored amendment that doesn't create any loopholes in jurisdiction. It also does nothing to diminish the ability of the CFTC to regulate commodity exchanges such as NYMEX or to require public disclosure of swaps or any other public authority they have to regulate the mechanics of commodity markets, including those who trade energy commodities.

We have received letters of support for this amendment from the National Association of Regulatory Utility Commissioners, the FERC, utility industry companies and associations, including Edison Electric Institute, the American Public Power Association, the American Public Gas Association, the Electric Power Supply Association, the American Wind Energy Association, the California Independent System Operator, the American Gas Association, the Large Public Power Council, the Natural Gas Supply Association, Compete, and PJM Interconnection.

I ask unanimous consent to have printed in the RECORD the letters of support I have referred to following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I have also been informed that the administration supports this amendment. I advise my colleagues that is the case as well.

Once again, I thank my cosponsors and urge my colleagues to support the amendment. I gather that a time will be found during our deliberations of the bill to consider the amendment.

With that, I yield the floor.

MAY 11, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR LEADER REID, CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: We are writing in support of your amendment to S. 3217, the Restoring American Financial Stability Act, which would preserve the authority of the Federal Energy Regulatory Commission (FERC) and the states to ensure just and reasonable rates for electricity and natural gas consumers. The undersigned associations represent most of the electricity and natural gas consumers in the United States.

FERC and the states already regulate transactions, products, services and agreements in wholesale and retail electricity and natural gas markets, respectively. In addition, FERC regulates regional transmission organizations (RTOs) and independent system operators (ISOs), which are responsible for the planning and operation of the transmission grid in many areas of the country. There is no regulatory gap that needs to be filled with respect to the transactions, agreements, contracts, products and services that regulated energy companies provide.

The underlying derivatives language in the Senate financial reform bill could cause the Commodity Futures Trading Commission to assert jurisdiction to regulate products offered in wholesale electricity markets, such as financial transmission rights (FTRs), which are used to manage the cost of transmission congestion. This could affect the ability of our member companies and utilities to have continued access to FTRs and other products on reasonable terms and conditions, which is essential to their ability to reliably serve their retail consumers at reasonable rates and with less price volatility.

We thank you and the other co-sponsors of this amendment for recognizing and addressing this issue. While a more clear delineation of FERC's authority would be helpful, we believe this amendment is a significant step in the right direction, and we look forward to passage of the amendment and continuing dialogue on this issue as financial regulatory reform legislation moves forward in Congress.

Sincerely,

American Gas Association; American Public Power Association; American Wind Energy Association; California ISO; COMPETE; Edison Electric Institute; Electric Power Supply Association; Large Public Power Council; Natural Gas Supply Association; PJM Interconnection, L.L.C.

FEDERAL ENERGY REGULATORY COMMISSION, OFFICE OF THE CHAIRMAN,
Washington, DC, May 12, 2010.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: I write in support of your bipartisan amendment No. 3892 to amendment No. 3739 to. S. 3217, the financial regulatory reform legislation currently being debated by the Senate.

Your amendment preserves existing Federal Energy Regulatory Commission (FERC) authority to protect energy consumers from rate increases and in no way allows FERC to supersede the regulatory jurisdiction of the Commodity Futures Trading Commission (CFTC) with respect to the markets or instruments the CFTC now regulates, especially futures markets. Any suggestion to the contrary flies in the face of the plain language of your amendment.

As you know, FERC is the only federal agency charged with regulating physical electricity and natural gas markets for ''just and reasonable rates''. But the broad jurisdiction the underlying legislation grants to the CFTC over ''swaps'' could undermine FERC's ability to regulate the electricity and natural gas markets and thus lead to increased costs to consumers, because CFTC has no ratemaking authority. Your amendment rightly maintains FERC's ratemaking authority within the physical electricity and natural gas markets while preserving CFTC's role to ensure that the futures markets operate in a fair and orderly manner.

FERC also has an obligation to police the physical electricity and natural gas markets for fraud and manipulation and punish any wrongdoing. In the aftermath of the California energy crisis and the schemes perpetrated by Enron and others, Congress gave FERC under EPAct 2005 more robust authorities to prevent fraud and market manipulation by allowing a penalty of up to $1 million per violation per day. In Fiscal Year 2009, FERC's policing efforts yielded approximately $38.3 million in civil penalties and recovered $38.7 million in ill-gotten gains. We are concerned that the underlying bill could inadvertently undermine those authorities, but your amendment will preserve them.

Finally, I note that the American Gas Association, the American Public Power Association, the American Wind Energy Association, the Edison Electric Institute, the Electric Power Supply Association, the Large Public Power Council, the National Association of Regulatory Utility Commissioners, the Natural Gas Supply Association, California ISO, PJM Interconnection, L.L.C., and COMPETE support your amendment.

Sincerely,

JON WELLINGHOFF,
Chairman.

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
May 10, 2010.

Re Bingaman, Murkowski, Reid Amendment to the ''Restoring American Financial Stability Act'' (S. 3217).

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy & Nat. Resources, U.S. Senate.
Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy & Nat. Resources, U.S. Senate.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.

DEAR CHAIRMAN BINGAMAN, RANKING MEMBER MURKOWSKI, AND MAJORITY LEADER REID: On behalf of the National Association of Regulatory Utility Commissioners (NARUC), I write to you today to express NARUC's strong support for your amendment to the ''Restoring American Financial Stability Act'' (S. 3217) addressing federal and State electric and gas utility rate jurisdiction. Your Amendment correctly confirms State and federal regulatory authority to ensure that retail and wholesale energy consumers pay just and reasonable rates for utility service.

The FERC and the States are the regulatory agencies with the necessary expertise and statutory mandates to oversee electricity and natural gas markets to protect the public interest and consumers. S. 3217 should not preempt FERC and the States from continuing to exercise their authority under existing law to ensure consumers pay just and reasonable rates for reliable utility service. These markets that are already regulated by FERC and the States under accepted tariffs or rate schedules should remain subject to this existing regulation, which includes jurisdiction over physical and financial transmission rights and market oversight.

NARUC thanks you and your colleagues for offering this important amendment. By continuing FERC and State authority, under S. 3217, to oversee any agreement, contract, transaction, product, market mechanism or service offered or provided pursuant to a tariff or rate schedule filed and accepted by the FERC and/or the States, we believe this amendment ensures that the consumers and the public interest will be protected.

Sincerely,

CHARLES D. GRAY,
Executive Director.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 14, 2010.

DEAR SENATOR: On May 13, the American Farm Bureau Federation (AFBF) wrote you in opposition to Senate Amendment #3892 to be offered by Senator Jeff Bingaman (D–N.M.) to S. 3217, the Senate financial markets reform package. Sen. Bingaman has modified the amendment since that time and we wish to notify you that we can now support it.

The amendment acknowledges and protects continued Federal Energy Regulatory Commission (FERC) jurisdiction over physical natural gas and electricity transactions. In addition, the amendment acknowledges continued Commodity Futures Trading Commission (CFTC) jurisdiction over energy futures and options contracts traded on CFTC-regulated exchanges. The CFTC has long had regulatory authority over exchange-traded futures and options transactions, and this has worked well to maintain the price discovery function of these markets.

Finally, the amendment provides that the new CFTC jurisdiction over ''swaps'' (contained in S. 3217) does not change this status quo allocation of jurisdiction between FERC and the CFTC. Rather, the amendment now sets forth an expedited and cooperative exemption process to allow both regulatory agencies to fulfill their obligations to the American public.

We appreciate your work on this important legislation.

Sincerely,

BOB STALLMAN,
President.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4072 TO AMENDMENT NO. 3739

Mr. GRASSLEY. Madam President, I ask unanimous consent to set aside the pending amendment for the purpose of calling up amendment No. 4072.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I object.

The PRESIDING OFFICER. The Senator has the right to call up his amendment under the previous order.

The clerk will report the amendment.

The assistant editor of the Dailey Digest read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 4072 to amendment No. 3739.

Mr. GRASSLEY. Madam President, I ask unanimous consent to waive the reading of the amendment in the whole.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the independence of Inspecters General of certain designated Federal entitites, and for other purposes)

Strike 989B, insert the following:

SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,'' after ''means'';

(B) in subparagraph (A), by striking ''and'' after the semicolon; and

(C) by adding after subparagraph (B) the following:

''(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

''(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

''(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

''(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

''(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

''(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;''; and

(2) in subsection (h), by inserting ''if the designated Federal entity is not a board or commission, include'' after ''designated Federal entities and''.

SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

''(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

''(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

''(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.''.

SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following ''(e)'' as paragraph (2); and

(2) by striking ''(e)'' and inserting the following:

''(e)(1) In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a ⅔ majority of the board or commission.''.

SEC. 989E. ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM.

(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the ''Council of Inspectors General'') chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

(A) The Board of Governors of the Federal Reserve System.

(B) The Commodity Futures Trading Commission.

(C) The Department of Housing and Urban Development.

(D) The Department of the Treasury.

(E) The Federal Deposit Insurance Corporation.

(F) The Federal Housing Finance Agency.

(G) The National Credit Union Administration.

(H) The Securities and Exchange Commission.

(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

(2) DUTIES.—

(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general's ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

(3) WORKING GROUPS TO EVALUATE COUNCIL.—

(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.

Mr. GRASSLEY. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I rise to speak on the pending amendment, the amendment by Senator GRASSLEY. I have a great deal of respect for the Senator from Iowa. Actually, there is a series of things I propose that are in the underlying bill that go to the heart of much of what that amendment is going to do.

I would start off by saying I agree with most of what my colleagues are proposing. I agree we need to make sure we have a strong regulatory agency to act as cops on the beat. We need to make sure those cops on the beat are doing their job.

I agree we should require financial regulators to respond when inspectors general identify deficiencies in their agencies—either by taking corrective action or explaining to Congress why they are not taking those actions.

I agree we should require inspectors general to report to the board of the organization rather than the head of the organization.

I agree we should require publication of any negative recommendations from the inspector general's peer review of the work of other inspectors general.

I also agree inspectors general should not suffer any reduction in pay and that current inspectors general should keep their jobs until the new Presidential appointment system I included in the legislation kicks in.

I think those are great ideas and I proposed them myself. But here is where we have a disagreement. That is that this amendment takes away something I think is incredibly important in the underlying bill. It takes away making these inspectors general at these financial institutions Presidential appointments with Senate confirmation of inspectors general at financial regulatory agencies. In its place, it wants to let the heads of the agencies appoint their own inspectors general.

I think that inures to the possibility of conflicts of interest. Look, if I am the head of an agency and I am going to put in the cop on the beat who is going to supervise me, the inclination is to pick someone who is going to give me a lot of flexibility at the end of the day.

I want a robust cop on the beat. The way I ensure there is a robust cop on the beat, in terms of the inspector general, is having a Presidentially appointed one, one confirmed by the Senate, to know that in fact this person is worthy of pursuing all of the actions of that particular agency in a robust way so they are independent of the agency, not appointed by the very head of the agency they are now going to supervise and review.

I think that is a fundamental weakness, which is why the Banking Committee agreed with me and put the Presidential appointment there and Senate confirmation of inspectors general at financial regulatory agencies.

It seems to me what we want an inspector general to do is make sure the agency is doing its job. Being appointed by the head of the very agency I have to criticize, that I have to critique, that I may raise actions about, means it is a lot less likely the inspector general is truly independent. It is like going to court and saying let me pick the judge who is going to decide on my case. We wouldn't tolerate that in a courtroom and I do not see this as being any different.

I have so much with which I am in agreement with my distinguished colleague, as I mentioned at the beginning—all of those elements. I think we need to make sure when an inspector general identifies efficiencies, either by taking corrective action or explaining to Congress why they are not, that needs to be responded to by the regulators. I agree we should require inspectors general to report to the boards of organizations rather than the head of the organization. I agree we should require publication of any negative recommendation from the IG peer review of any other inspector general's work. I agree the inspectors general should not suffer any reduction in pay and that those who are there should be able to keep their job until the new Presidential appointment system kicks in.

But at the end of the day, if we want a true cop on the beat who is independent of the very agency he or she has to review, I would not want them appointed by the head of the agency and say to themselves, who am I appointing? Am I appointing a robust cop on the beat or am I appointing someone who is far less than robust?

We have forum shopping in the court. Trial lawyers try to pick the best judge from their perspective as to who can best look at their case. I want to be honest. I don't think we should be having the agency heads picking the IG and looking at who is going to treat them most lightly.

I think that is what is at stake. The underlying bill permits the Presidentially appointed, Senate confirmed. I think we should have that right. I think we need a robust cop on the beat and that is why in that one respect I oppose the Grassley amendment.

I hope we can work something out so we can keep the Presidential appointment and Senate confirmation and have all of the other safeguards, many of which I already offered in the bill to be included, and we would have a harmony of view and a robust inspector general regime.

If we are going to have an up-or-down vote on the existing amendment without any changes, then I urge a ''no'' vote. But I do hope we can make a change that permits the inspector general to be Presidentially appointed, confirmed by the Senate. That confers the ultimate independence, the ultimate vigilance, the ultimate vigor in pursuing the very same things my colleague from Iowa and I want to see happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I appreciate very much the words of my colleague from New Jersey. He is a very thoughtful Senator. He is a member of the Finance Committee so I have a lot of relationships with him. I am glad he spoke highly of some of the changes we have suggested in the IG system generally through our amendment. But I think the real difference for Senator MCCASKILL and this Senator is the fact of whether they should be Presidentially appointed. That is probably a difference that is going to be hard to bridge. So I will speak to that point and also say I hope Senator MCCASKILL will be able to come over here and rebut Senator MENENDEZ because she is on the committee that has jurisdiction over IGs, and she has been very much involved over her recent tenure in the Senate on strengthening the system of IGs.

She will probably speak with more authority on this issue than I can, from the standpoint that I am not on that committee—even though I am involved very deeply in strengthening IGs because I think they are an extension of the checks and balances of government, particularly the extent to which they work with those of us involved in the constitutional responsibility of oversight performed by the Congress.

I wish to say flat out I do not accept the argument that Presidentially appointed IGs are always more independent. I think Senator MCCASKILL spoke on this point earlier when she was presenting our amendment. In fact, Presidential appointments raise another problem. President Obama has had a problem with filling IG vacancies. It took the President 18 months to appoint the IG at the Federal Housing Finance Agency. That is one example. Eighteen months without a cop on the beat would be a disaster at these financial agencies. Just think, if the SEC, Securities and Exchange Commission, did not have an IG for 18 months, how many more Madoffs would there be, how many more Sanford Ponzi schemes would there be.

Our amendment provides flexibility with accountability and transparency by reporting to the entire board or commission. The IG is not beholden to one person.

That brings up the point, for 80 years now, since independent agencies have been set up—well, I suppose for 130 years, going back to the setting up of the Interstate Commerce Commission, as an example—they have been meant to be a fourth branch of government, pretty much immune to any one President due to the fact they are appointed to overlapping terms and there has to be representation of both political parties on a commission. Just from the history and purpose of independent agencies, you would also want to make sure that inspector general was independent from the chief executive; not totally independent—because the President appoints them—but at least more independent than inspectors general in Treasury and State and the Justice Department—name any of the Cabinet positions you want.

Also, it provides for accountability by requiring a two-thirds vote to remove an inspector general. If the inspector general were appointed by the President, the IG could be removed, then, by one person. This takes politics out of the equation. Our amendment takes politics out of the equation. It strengthens the IG's independence and obviously that is why we are offering the amendment.

I suppose we are offering the amendment from the standpoint that we want that independence to be there because it has accountability with independence; also, because we think there can be a lapse in the work of an inspector general when a President takes a long time to appoint somebody.

In further response to the reasons Senator MENENDEZ has given, I wish to say that the underlying language in the bill would allow the IGs to serve, yes, until the President appoints someone.

But this means once the President nominates someone, the current IG is removed because there is a long lapse between appointment and Senate confirmation. This means the entire time the Senate debates the nominee, the agency does not have an IG. This is an invitation to allow waste, fraud, and abuse and mismanagement in agencies.

So we come to you—when I say ''we,'' I mean Senator MCCASKILL and myself—with a sincere desire that if something is not broken, do not fix it. We come with a desire to say these agencies are so important there should not be any lapse in time between what they are doing now and some new process of bringing somebody aboard.

I have seen the independence of these IGs to do their job and to help us uncover a lot of things that are wrong, particularly, as I think I have been able to point out with the Securities and Exchange Commission, not only under this administration but under the previous administration.

Probably in the last couple of years of the Bush administration, we were able to, working with IGs, make sure the job was done right and exposed a lot of things that were wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I appreciate the statement of my colleague from Iowa. I will just make one or two observations. First, if we are talking about someone being beholden to one person, well, under the Senator's view that person is going to be beholden to the department authority that appoints him, the very same department authority that person is going to supervise and review. So it seems to me to the extent that there is always going to be an appointing authority, I would rather have the President of the United States, with the interests of the American people, whatever President that might be, be the appointing authority over an agency where the IG is not going to be beholden to the agency that appointed them.

I think that is a much more compelling issue. As it relates to the time, the lapse of time, I would just simply say, well, first of all, if we do not have filibusters and have up-or-down votes on people, then we will not have much of a lapse in time in terms of having an IG come before the Senate for confirmation.

I do not know why Senators would want to give up the right they would have under the bill to confirm inspectors general and make sure that person has a robust quality to them, the integrity and the background and the history to make sure they are going to go after this agency when it is appropriate to do so.

I would say, to the extent that any lapse of time versus the robust nature of how this person gets appointed is worthy of consideration. So I do not find, while I agree with my colleague on so many of the other points I have already mentioned, this one fundamental issue is one that I find difficult to understand how, when it is like—sort of like having the fox be appointed to watch the chicken coop. If I appoint someone to watch over me, I would like to believe I am going to have the most robust, tough cop on the beat do it. But human nature being what it is, I am not so sure that agency heads are going to do that. I am not so sure they are going to pick the toughest cop on the beat versus actually someone who might have a less vigilant view. I think maybe we can agree that inspectors general have to come for an immediate vote on the Senate floor and not be subject to being filibustered, and this way we could have an up-or-down vote on them and the issue of lapsing time would be taken care of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, this will be the last time I will speak on it, and just for a couple of minutes. I hope the Senate would give some discretion to the fact that when Senator MCCASKILL comes over, that she would be able to speak for 2 or 3 minutes on this issue so that people can hear from the other side of the aisle on the importance of this amendment.

We appear to have a fundamental difference regarding how independent

Presidential appointees are. If I were an inspector general, I would feel more independent with a two-thirds vote of a bipartisan panel, meaning commission appointees, as opposed to one person. Our amendment assures IGs, if they are terminated, it will be in a public forum and not the back room of the White House, if they are Presidentially appointed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 4114 TO AMENDMENT NO. 4072

(Purpose: To ban naked credit default swaps and for other purposes.)

Mr. DORGAN. Madam President, I send a second-degree amendment to the desk to the Grassley amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4114 to amendment No. 4072.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Madam President, the second-degree amendment that I have just sent to the desk to the Grassley amendment is the amendment that there has been an objection to my offering. So it is the only way, apparently, I can offer the amendment. It is the amendment dealing with naked credit default swaps.

We cannot possibly end this discussion without addressing the central issues that caused the near collapse of our economy, one of which is the unbearable speculation, the speculation in exotic financial instruments such as credit default swaps that, by the way, now is on the rise. It is not receding, it is on the rise.

The fourth quarter of last year the credit default swaps were up by 8 percent, $14 trillion in notional value, up 8 percent in the fourth quarter of last year alone. I also feel very strongly that the issue of too big to fail is a real issue. We cannot just brush it away saying: I wish it was not an issue.

The too-big-to-fail companies have gotten bigger, much bigger. Well, that is not a solution for this country's economy. The issue of betting in the lobby of our banks, as I have said, they might as well put in a Keno table or a blackjack table and wager that way. These are bets, not investments.

There are tens of trillions of dollars' worth of these bets. Because we want to tighten the laces a little on this, this amendment would ban naked credit default swaps over a period of time. Because we want to tighten the laces a bit, we have folks who object to even offering this because it would take on Wall Street. Well, you know what. That is what this legislation is about. If we go back to 2008 when Wall Street lost—I think, $36 billion net loss—and they paid out bonuses of $17 or $18 billion. They were having a carnival.

What was it all about? It was about big fees, trading all of these unbelievably speculative instruments, things that we had never heard of before—and, by the way, instruments in which they had no insurable interest. I said before you cannot buy fire insurance on someone else's house. You cannot buy life insurance on someone else's life. But what is happening is the biggest financial institutions in this country are buying and selling credit default swaps, are selling insurance policies against bonds that they will never own and have never owned.

It is like buying things they will never get from people who never had it and making fees on both sides of the transaction, except it is building a pyramid of speculation. At some point that pyramid came down and nearly took the entire American economy with it. So we now do something called financial reform.

The central question is, are we going to do it right? Are we going to be tough? Are we going to make sure we get rid of these things, the unbelievable speculation that injured this country's economy? There are trillions of dollars of them out there. And, by the way, the five largest commercial banks in this country hold 90 percent of the total credit derivatives, the $13.2 trillion of credit derivatives. They are owned by the five largest commercial banks.

Somebody said: Well, you cannot ban these things. The banking industry needs them. Oh, really? Well, if that is the case, why are only five companies doing 90 percent of the business in what are called naked credit default swaps?

I will speak about this at another time. I promised my colleague from Maine I would be a minute. I have gone well over the minute. But I will speak about the second-degree amendment at much greater length. It is the only way, apparently, I can offer an amendment.

So I believe that method, using a parliamentary technique that is perfectly legitimate, gives me an opportunity to force a vote on this amendment at some point.

It is an amendment that should have been able to have been offered as a result of an agreement on both sides to deal with real issues, in real time, on one of the most significant challenges that confront our country: how to put this financial system back together again in which the financial industry plays a very important role in the expansion of this country, as opposed to building more and more and more speculation and seeing that too-big-to-fail institutions get builder and bigger and bigger.

I yield the floor, and I will come back and speak on the second-degree at some point later.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3883

Ms. SNOWE. Madam President, I rise again to speak on the amendment that is pending that I had offered last week, No. 3883, which I have introduced with my good friend and colleague, Senator PRYOR.

Our amendment would ensure fairness and regulatory transparency for small business in the financial regulatory reform measure that we are now considering. This bipartisan amendment was also cosponsored by my colleagues, Senator GRAHAM, Senator MENENDEZ, Senator FRANKEN, Senator BOND, Senator BURRIS and Senator THUNE.

Our amendment would ensure that this newly created bureau in the bill, the Consumer Financial Protection Bureau, would, before it promulgates proposed rules, fully consider the economic effect that those rules and regulations would impose on our Nation's approximately 30 million small businesses that create 64 percent of all of the net new jobs in America. That certainly has been the case over the last 15 years, and they are the ones that we are depending on to lead us out of this jobless recovery.

Our amendment would designate the Consumer Financial Protection Bureau as a ''covered agency'' under the Regulatory Flexibility Act—so that small business review panels would apply to the Bureau's rulemaking process. Now, it is critically important to have these advisory small panels that currently only apply to EPA and to OSHA. They have been extremely successful in helping to shape more workable regulations at those agencies for small businesses to be much more attentive to the impact that these statutes are going to have on the well-being of small businesses.

Since 1996, when these small business panel provisions were passed—unanimously, I might add, in the Senate as part of the Small Business Regulatory Enforcement Fairness Act, SBREFA—and signed into law by then-President Clinton, the EPA has convened 35 panels and OSHA has convened 9 panels. The findings of these panel reports have helped EPA and OSHA improve their proposed rules by tailoring regulatory approaches and alternatives to the unique situations of small businesses. And that is very important.

As we look over the number of panels that have been convened over the last 14 years, we have seen there have been rules regarding groundwater, radon in drinking water, arsenic in drinking water, tuberculosis, ergonomics, and the list goes on and on. It has worked exceptionally well in this process for those agencies that obviously could have a tremendous effect on small businesses by creating unintended consequences.

So is it not better to know potential small business effects at the forefront of the regulatory process, not afterwards, in which the small businesses are consumed not only with time but energy and money in order to fight the regulatory process once it has taken effect?

So our amendment would specify very clearly the same process that has applied to EPA and OSHA for the last 14 years has been supported by the Senate unanimously when SBREFA was adopted; that the bureau must consider the economic effect that these rules will have on the cost of credit for small businesses. This is critical because, as we know, and according to the National Federation of Independent of Business, NFIB, which is the largest voice for small business in this country, 42 percent of small business owners use a personal credit card for business purposes.

So it is absolutely vital that small business interests are fully considered before the bureau issues regulations on consumer credit cards, so that however well intentioned those rules and regulations are, we want to make sure the bureau does not inadvertently cut off or suspend vital small business credit sources, especially during these fragile economic times when, as a recent Federal Deposit Insurance Company survey noted, banks posted their sharpest decline in lending since 1942.

I want to add that there are some fundamental misconceptions about the pending amendment. I would like to address them because I think it is critically important that we sort through the misperceptions and mischaracterizations and get to the truth of what this amendment is all about.

First and foremost, this is a tried-and-true proposal. It has been the law for the last 14 years for EPA and OSHA.

Some, including the Treasury Department, have argued that my amendment would compromise the independence of the new bureau by holding it captive the very businesses it is set to regulate. This argument is flawed for many reasons. Given how many months—in most cases, years—it takes Federal agencies to promulgate new rules under the notice and comment process, how does 60 days built into the process undermine key consumer protections the underlying legislation seeks to achieve? I really don't understand exactly what the Treasury Department is so concerned about, let alone afraid of.

If there are going to be adverse economic effects on small firms, our Nation's primary job creators—at this key juncture when unemployment is at virtually 10 percent and 15 million Americans are unemployed, and we are depending on small businesses to be the job generators—wouldn't we want to know what effect any rules and regulations this bureau is about to promulgate would have on small businesses? Why not know that ahead of time, set up a small business review panel, which has been done in so many instances in the past and worked effectively and successfully, to ascertain exactly what might affect small businesses' well-being so that we can address it at the forefront of the regulatory process and not afterward? That is what this is all about. Wouldn't we want to know before an agency proposes a rule as opposed to afterward? That is what we do with EPA as well as OSHA.

Secondly, it is the bureau itself—not SBA, not OMB or any other agency within government—that is overseeing the small business advisory panel process as well as the report and recommendations. The bureau does this with the input of small business stakeholders that the bureau, in consultation with the independent SBA Office of Advocacy, chooses to include. So the bureau has flexibility in this process.

The bureau gets to choose what small businesses participate, what information it shares with the panel, and it overseas the process and the writing of the report. I ask my colleagues again, how would the bureau be controlled by the regulating community, unless the bureau allows itself to be controlled?

I went back to look at the SBA Office of Advocacy to determine how they view this process and how well it has worked. They said: Invariably, the participation of these panels provides extremely valuable information on the real-world impacts and compliance costs of agency proposals.

The purpose of the panel process is threefold. This is from the independent office within the Small Business Administration. The Office of Advocacy has authored their own independent assessment, separate and apart from the SBA, to determine what works and what does not work. First, the panel process ensures that small entities that would be affected by a regulatory proposal are consulted about the pending action and offered an opportunity to provide information on its potential effects. Secondly, a panel can develop, consider, and recommend less burdensome alternatives to a regulatory proposal when warranted. Finally, the rulemaking agency has the benefit of input from both real-world small entities and analysis prior to publication. Wouldn't we want to know the real-world effect? Certainly, we would. We can act theoretically when we pass legislation that becomes law, but ultimately, how is it going to affect the real world? What is it going to do to small businesses on Main Street?

Now I am hearing from the Treasury Department that they simply don't want to know the truth. It is too invasive. It is taking too much time. They want to put all these regulations by this new bureau within the act, this Consumer Financial Protection Bureau that essentially comprises more than 300 pages out of this 1,500-page bill, that is obviously going to have a host of rules and regulations. They are saying: No, it is too invasive. We can't take that kind of time. It might hold us up.

We are saying a 60-day process. It is a 60-day review process. This panel would be convened if the bureau itself determines that, yes, in fact, some of the rules they may propose will have an effect on small businesses. So then they convene a panel. They choose the particular stakeholders across the board within the agencies and with the small business community. They convene for 60 days. Within 60 days, the bureau completes the report and submits it to the bureau. It contains recommendations that are advisory, not mandatory. Then the bureau considers these recommendations as it proposes its rules and regulations. I think that is a pretty logical process. I can't understand why the Treasury Department would be so adamantly opposed to this very logical, straightforward approach that has already been utilized time and again for EPA and OSHA. It is mystifying to me.

The attorneys at the Treasury Department say it could take 6 months to do these panels. Our amendment would adhere to the Regulatory Flexibility Act requirements that specify 60 days. How the bureau handles that 60-day report is obviously up to them. There is list after list of panels where these review panels have been used time and again under OSHA and EPA. It has been very effective—understandably so. We want to make sure these rules work.

Why wouldn't the Treasury Department want to know whether these rules and regulations will work for small businesses? Thirty million small businesses in this country generate two-thirds of all the net new jobs each year. We are surely depending on them to create the jobs in this jobless recovery. I've said it before and I will say it agin: A jobless recovery is not a true recovery. We need jobs. But we are saying: No, we don't want to bother with this 60-day review panel. We don't want to bother with that because it could interfere with our process. We want to put everything on a fast track. We will figure out later whether it works for small businesses.

That is unacceptable and objectionable. That is why there is so much anger and frustration across America. Go up and down Main Streets and see what is happening to small businesses. Now we are saying, with this new Consumer Financial Protection Bureau, that we don't want to take the time to consider anything that would have an effect on small businesses. We will find out about it later. Let them pay the price of whether they can survive. Let them pay the price as to whether they can afford these regulations, that it makes sense, that it is workable, or to fight the regulatory process.

Anybody been through that process? We know what it is all about. It is time-consuming, complex, and bureaucratic. It is simply unaffordable for most small businesses. Ultimately, they will have to close their doors or they will not hire or they are going to lay off people. That is what the net result of all this will be. Yet we have had a demonstrable approach with this by virtue of what has happened to EPA and OSHA.

According to the independent SBA Office of Advocacy report:

[t]he panel process does not replace, but enhances, the regular notice-and-comment process.

The Office of Advocacy has also found that these small business review panels have facilitated ''revisions or adjustments to be made to an agency draft rule that mitigated its potentially adverse effects on small entities, but did not compromise the rule's public policy objective.''

It makes good sense that they would be able to consider less burdensome alternatives in the event this 60-day review process by a small business panel, which would be established and appointed by the bureau itself, would determine they would be more preferable than the ones that originally were being considered.

I understand the majority intends to offer a side-by-side amendment that astoundingly does not have the support of the small business community. An abundance of organizations support this amendment offered by Senator PRYOR and others, along with myself. We have more than 23 organizations that have supported this legislation.

Let's look at the alternative that may be offered. And I truly hope it isn't offered. As this chart reveals, the side-by-side my colleagues are proposing on behalf of the Treasury Department would be a diluted version of the amendment I am offering.

My amendment with Senator PRYOR would permit the small business voice to be heard before a rule is actually proposed. It certainly makes sense to know the consequences of any potential rules before they take effect, before they go through the rulemaking process.

The side-by-side that my colleagues may be offering includes a loophole under which the bureau could evade entirely its small business panel requirements, so the small business voice would never be heard if their amendment is adopted.

Mind you, the language in their amendment would take 90 days for the small business panel to make its report. My amendment would take 60 days. Their process would take 90 days, and it would be a permanent panel. I am not asking for a permanent panel. I am saying that whenever the bureau determines they will be proposing rules that would have a significant impact on a substantial number of small businesses, that the Bureau convene a small business panel in which they would have to complete their work within 60 days, the bureau would submit their report for consideration, and the bureau would have to consider the small business panel report as they develop their proposed rule, before they promulgate it.

The difference between my amendment and the side-by-side that could potentially be offered is they create a permanent board and it is not even tied to rulemaking. They create a board that will meet four times a year. Now it is a bureaucracy within a bureaucracy. That is essentially what it is all about. It would create a bureaucracy within the bureau to meet four times a year for no particular purpose. Maybe they could consider small business economic effects from a potential rulemaking but maybe not, under this amendment. It clearly doesn't make any sense. And then it is an additional cost to the taxpayers. And it doesn't require, most importantly, the panel recommendations before the rules are actually proposed in the federal register. But even worse than that, they are not even required to consider any of the panel's recommendations, if they have any, before the final rule is issued. So that is a fairly major loophole in their amendment.

So here we are. We have the amendment Senator PRYOR and I have offered that would create a 60-day process that has been utilized time and again for the last 14 years and worked exceptionally well. They submit their proposal to the bureau. It is a panel established by the bureau. They can determine who will be represented in that panel. They can consider the recommendations as they draft their rules for the rulemaking process, at the outset before a rule is proposed.

In this case, on the other hand, the amendment my colleagues intend to offer—I know it is the Senator from Louisiana, Ms. LANDRIEU contains a loophole under which the Bureau would never have to consider the recommendations of the small business panel. They will meet four times a year for no particular purpose. It is not even tied to a rulemaking process.

I hope our amendment will be adopted. It really has already been established in precedent, in practice, not in theory. It is not conceptual; it is very real. Certainly, it will be real to small businesses in terms of whether it is going to have a major effect on their ability to conduct their business.

Our amendment builds on the current requirements under the Regulatory Flexibility Act. Since the Regulatory Flexibility Act was amended by the Small Business Regulatory Enforcement Fairness Act, SBREFA, back in 1996, to include these small business review panels, EPA has convened 35 panels and OSHA has convened 9 panels. It has worked very well.

Our amendment will ensure transparency in the regulatory process because the small business panel reports would be included in those proposed rules. It will allow the voice of small businesses to be heard at the front end of a regulation, before the proposed regulation has been published in the Federal Register. In contrast, the side-by-side amendment that potentially will be offered would expedite the bureau's rulemaking process and allow it to finalize onerous regulations that could crush small businesses without considering first the small business effects either during the proposed or the final rule stage of the regulatory process.

I urge my colleagues to oppose the side-by-side amendment. It would establish a dangerous precedent of diluting not only current law in the way it now functions with respect to EPA and OSHA but also how it has been extremely successful. My amendment is an extension of current law as it applied to the Consumer Financial Protection Bureau.

As you will see on the next chart, we have strong support from a broad cross section of 23 stakeholders, representing millions and millions of small businesses across the spectrum—of course, the National Federation of Independent Business, known as NFIB; the Associated Building and Contractors; the National Restaurant Association; the National Lumber and Building Material Dealers Association; S Corporation Association; the U.S. Chamber of Commerce; the United States Black Chamber; the United States Hispanic Chamber of Commerce; Women Impacting Public Policy; the International Franchise Association, the Independent Electrical Contractors; the Hispanic Leadership Fund.

The list goes on, and rightfully so, because they understand what is at stake. They understand the effects it will have on small business. We want to make sure we have a very practical, real process that is going to work for small businesses.

I hope we are not going to disregard the invaluable voices of small businesses to have the ability to have input at the forefront of the regulatory process, and utilizing a process that has worked so well. I hope we would reject any other watered-down, side-by-side amendment because, as I have already pointed out, it has a number of weaknesses and a loophole. It establishes a permanent panel for no apparent reason and that is not necessarily tied to the rulemaking. But more critical is the fact that, under the side-by-side amendment, the Bureau can totally ignore and disregard the input. Even if they created one of these panels for a rule-making process, they do not have to consider it, either before the proposed rule is published or before the final rule is promulgated in the Federal Register.

Something does not make sense. The bottom line is, the side-by-side amendment would be a job killer for small business. So if we are talking about jobs, jobs, jobs—and I hope we are going to get to a small business tax relief bill. I have been hoping since January we are going to get to it because it is so critically important. I know there are a lot of things to consider here on the floor of the Senate, but primary of which should be about creating jobs. So while we are saying we want to create jobs on the one hand, and we are concerned about small businesses' economic well-being on the other hand, we are doing things that are going to undermine the status of small businesses in America, as they are struggling to survive. They are struggling to survive. We know that. We have had an abundance of hearings in the Small Business Committee. As ranking member of the Small Business Committee, I can tell you, we hear it time and again repeatedly. They are desperate. They need our support. We cannot hinder their ability to survive in this very tough, unprecedented environment.

So if we are depending on them to create jobs, then I think we better think very seriously about whether to support my amendment. I hope it would not be rejected. I hope it will be supported. There is no reason, there is no rationale, there is no logical explanation as to why the Treasury Department—of all the Departments, frankly, we are here because the Treasury Department did not provide the necessary and effective oversight of financial institutions—we are dealing with a financial regulatory reform bill, so I cannot imagine rejecting something that has been tried before and has worked so effectively.

That is what I am asking, that we would allow my amendment to be adopted. Because, as you can see, this amendment is supported overwhelmingly by critical small business organizations, because they understand the reality. They understand the net effect of what is going to happen. They need this support. This is not a minimalist amendment. It has real consequences, if we fail to adopt it. That is the fact. That is reality that small businesses are facing all across America.

So when we are creating this new entity, this Consumer Financial Protection Bureau, that literally consumes hundreds of pages in the pending legislation, are we not saying we want to make sure, when they are drafting those rules, we are going to consider how it will affect small businesses on a day-to-day basis? Because that is what they are going to live with.

By the way, I think we all know who pays more for regulatory compliance. It is not the large corporations. It is the small business.

In the past, we think about Sarbanes-Oxley. I know there is an amendment that has been filed that has been offered by the Senator from Texas and the Senator from Louisiana that will ''spare,'' as it says in this Wall Street Journal editorial, ''the smallest public companies from the worst bureaucratic horrors of the 2002 Sarbanes-Oxley law.'' They said:

> This is one reason the two Senators aim to exempt companies with less than $150 million of shares held by the public from ''internal-controls'' audits.

Because of the indirect costs, as well as the direct costs, they said that:

> [T]he average public company pays more than $2 million per year complying with the law's Section 404. The indirect costs may be much greater . . .

The indirect costs are even greater from Sarbanes-Oxley. Small firms pay 45 percent more in regulatory compliance costs than larger firms, according to the Office of Advocacy within the Small Business Administration.

That is the point. So on one hand, we are saying: Well, in financial regulatory reform, we should exempt small public companies because of the bureaucratic hindrance that Sarbanes-Oxley has provided. So there is another example of what the effects are, the unintended consequences, when rules have a disproportionate effect on small businesses. That is what has happened in that instance.

So these are legitimate and valid issues based on reality, based on the experiences of small businesses, what they have had to already endure. So why compel them to have to further endure another regulatory nightmare and quagmire that might ensue as a result of this bureau? We are asking to take an intermediate step: 60 days. Somebody is saying 60 days is too much time to give consideration to the well-being of small businesses in America?

Well, we are offering amendments that say: Gee, we ought to exempt the smallest companies because of what occurred under Sarbanes-Oxley, what it has done with the unintentional effects. We all know the adverse consequences that can emanate and result from legislation that becomes law. So let's be attentive and sensitive to those issues at the forefront of this process. That is what this amendment is all about. I would hope there would be strong support for my amendment because there truly is overwhelming support from all of these organizations and more that are represented on these charts.

I ask unanimous consent to have printed in the RECORD a list of organizations in support of my amendment, as well as a number of letters that have been sent from small business organizations declaring that it is an imperative that this amendment be accepted because of the concern, the abiding concern, of the small businesses community across this country that they are going to suffocate under this rulemaking process if they do not have a voice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS IN SUPPORT

Associated Builders and Contractors; Association of Kentucky Fried Chicken Franchisees; Hearth, Patio & Barbecue Association; Hispanic Leadership Fund; Independent Electrical Contractors; Institute for Liberty; International Franchise Association; National Association for the Self-Employed; National Federation of Independent Business, which is ''key-voting'' in support of our amendment and opposing the majority's side-by-side; National Lumber and Building Material Dealers Association; National Restaurant Association; National Roofing Contractors Association; National Small Business Association; Printing Industries of America; S Corporation Association; Small Business & Entrepreneurship Council; Society of American Florists; Society of Chemical Manufacturers & Affiliates; Tire Industry Association; U.S. Chamber of Commerce; United States Black Chamber; United States Hispanic Chamber of Commerce; and Women Impacting Public Policy.

MAY 12, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. CHRIS DODD,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Washington, DC.
Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER, MINORITY LEADER, CHAIRMAN DODD, AND RANKING MEMBER SHELBY: The undersigned organizations representing millions of American small business owners are writing to urge that the Senate consider the Small Business Fairness and Regulatory Transparency Amendment (S. Amdt. 3883) sponsored by Senator Pryor and Senator Snowe as part of the Senate's deliberations on S. 3217, Restoring American Financial Stability Act of 2010.

As you know, new jobs primarily come from the small business sector of our economy. Small business has created about two of every three net new jobs in the United States since at least the early 1970s. And nearly all job creation since 1980 has occurred in firms less than five years old. In fact, data from the 1990's show small business are the only sector producing jobs coming out of a recession. The amendment offered by Senators Pryor and Snowe is an effort to prevent unintended consequences by a new agency that could harm the small business sector.

According to the U.S. Small Business Administration, small firms shoulder a 45 percent higher burden to comply with federal regulations than their larger business competitors. This economic distortion can be eased when agencies carefully consider how their regulations will impact small firms, which is why delegates to the 1995 White House Conference on Small Business called for direct small business participation in the rulemaking process. That recommendation from the White House Conference was a key provision in the Small Business Regulatory Enforcement Fairness Act (SBREFA), signed by President Clinton in 1996. The amendment offered by Senators Pryor and Snowe applies the same standards of transparency and small business consultation found in SBREFA to the Consumer Financial Protection Bureau (hereinafter referred to as the ''Bureau'').

Additionally, S. Amdt. 3883 calls upon the Bureau to consider how its rules will impact small business access to credit. Almost 90 percent of the nation's 26 million small businesses use some form of credit. And, economists have raised concerns that actions by the Bureau will tighten the credit squeeze, raising interest rates and curbing job growth. The amendment offered by Senators Pryor and Snowe provides assurance that small business access to credit is a top consideration by Bureau officials as they take on the important task of overseeing our financial sector.

Small business is a critically important sector. America needs their job creation strength to bring down unemployment and their innovative strength in a global marketplace. We know you share our desire to take every step necessary to protect Main Street while you are trying to fix the practices on

Wall Street and we urge you to include S. Amdt. 3883, the Small Business Fairness and Regulatory Transparency amendment, as part of the Senate's debate on S. 3217. Once the amendment is under consideration, we urge your support for its passage.

Associated Builders and Contractors; Association of Kentucky Fried Chicken Franchisees; Hearth, Patio & Barbecue Association; Hispanic Leadership Fund; Independent Electrical Contractors; Institute for Liberty; International Franchise Association; National Association for the Self-Employed; National Federation of Independent Business; National Lumber and Building Material Dealers Association; National Restaurant Association; National Roofing Contractors Association; National Small Business Association; Printing Industries of America; S Corporation Association; Small Business & Entrepreneurship Council; Society of American Florists; Society of Chemical Manufacturers & Affiliates; Tire Industry Association; U.S. Chamber of Commerce; United States Black Chamber, Inc.; United States Hispanic Chamber of Commerce; Women Impacting Public Policy.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, May 18, 2010.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The National Small Business Association (NSBA) is urging you to support the Ensuring Small Business Fairness and Regulatory Transparency Amendment (S. Amdt. 3883)—or the Snowe/Pryor amendment—to the Restoring American Financial Stability Act (S. 3217). This critical amendment, supported by a very broad, bipartisan group of Senators, will ensure that the Consumer Financial Protection Bureau considers how its rulemakings affect America's small businesses. Reaching 150,000 small firms across the nation, NSBA is the country's oldest small-business advocacy organization.

As the Consumer Financial Protection Bureau likely is to be established as an independent agency with rulemaking authority, it should be required to consider the unique needs and constraints of small firms as it promulgates its rules.

NSBA strongly supports requiring the Bureau to conduct Regulatory Flexibility Analyses in conjunction with its rulemaking. It is critical that the Bureau provide the public with transparent information on how its proposed rules would affect small firms. NSBA also supports requiring the Bureau to consult with a Small Business Advocacy Review Panel prior to the publication of any proposed rule, with the Review Panel's recommendations published in any eventual proposal.

Small businesses bear a disproportionate burden of federal regulations. In fact, the smallest firms—those with fewer than 20 employees spend 45 percent more per employee than larger firms to comply with federal regulations. Incorporating the Snowe/Pryor amendment in S. 3217 will take the important steps toward alleviating this gross inequity.

Increased transparency is a stated goal of the current administration and Congress. This is a perfect opportunity to achieve progress towards that objective. This amendment will ensure a public exchange of data, analysis, and recommendations, detailing the potential benefits and costs to small businesses of any proposed regulations. This is a welcome achievement.

I urge you to consider the many pitfalls caused by the absence of such language in other sweeping pieces of legislation, namely Sarbanes/Oxley, which has constituted a major burden for America's small businesses. On behalf of the many struggling small businesses in the U.S. today, I am calling upon you to do everything in your power to prevent any roadblocks for future entrepreneurs, and urge your support of the Snowe/Pryor amendment.

Sincerely,

TODD O. MCCRACKEN,
President.

U.S. BLACK CHAMBER, INC.,
Washington, DC, May 11, 2010.

The US Black Chamber, Inc. represents over 30% of all the Black owned business nationwide. We have united to ensure that our voice is heard. Black business owners are a strong economic force in the United States, and increasingly throughout the world. Their contributions extend beyond the number of firms they own, the people they employ and the revenues they generate. Their economic influence is multiplied many times through the direct and indirect economic impact they generate through their business ownership.

We are writing you to urge that the Senate consider the Small Business Fairness and Regulatory Transparency Amendment (S. Amdt. 3883). Small business develop the majority of the jobs that have been created in the United States. The recession has shown that small businesses are in fact the only sector that is creating new jobs.

S. Amdt. 3883 calls upon the Bureau to consider how its rules will impact small business access to credit. Black-owned firms are less likely to receive loans than non-white firms (23% of non-minority firms receive loans compared to 17% of minority firms.) Black owned firms receive lower loan amounts than white firms. Black-owned firms are more likely to be denied loans (42% denial rate for Black and 16% denial rate for whites). We feel actions by the Bureau will tighten the credit squeeze, raise interest and slow job growth.

S. Amdt. 3883 provides assurance that our members and small business access to credit is a top consideration. We urge your support for its passage.

Thank you, and we look forward to working together with you and our membership, to bring this plan into reality.

In the Spirit of Success,

RON BUSBY,
President & CEO.

Ms. SNOWE. I urge adoption of this amendment.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I am on the floor here incredibly disappointed by the decision by my friends across the aisle to block a vote on the Merkley-Levin Volcker rule amendment and the Dorgan amendment to ban naked credit default swaps.

We have had good comity on this bill. I think both sides have taken amendments for a vote they did not like based on how the vote turned out, where you have votes where a majority of the Republicans voted for an amendment they put forward and a majority of the Democrats voted against it or a vast majority of Democrats voted against it, but we allowed it to come to a vote.

I think we are getting late in the processing of the bill. It would have been nice if we could have gone through the whole process the way we started and the way we were in the middle and allowed these important issues to come up, especially issues as important as this one.

I want to praise Chairman DODD—and I mean it—for an incredible piece of work and all my colleagues who have worked diligently on this bill. It has been incredible in holding this together. There are many provisions in this bill I strongly support.

However, there is one portion of the bill that many of my colleagues and I have discussed on the floor extensively, and that is the question of how we prevent systemic risks from manifesting themselves among our largest Wall Street banks—those that have been deemed too big, too big, too big to fail due to their tendency to engage in highly leveraged and extremely risky speculative trading activities.

As my colleagues know, Senator BROWN and I, along with others, offered an amendment to tackle this problem directly and preemptively. The Brown-Kaufman amendment would have scaled down the size and risk of our megabanks through limits on leverage and on unstable nondeposit liabilities. While I am disappointed the amendment did not pass, I know the debate will persist as long as too-big-to-fail banks continue to exist. For as long as we still have banks so large they are too big to fail, they will pose mortal risks—mortal risks—to the American economy.

Within days of the Senate's consideration of Brown-Kaufman, we saw the EU and IMF scramble to put together an almost $1 trillion emergency package to forestall a full-blown series of sovereign debt crises throughout the continent. While ostensibly reported in the press as a rescue package for overleveraged and embattled sovereign nations such as Greece and Spain, it was actually a bailout of Europe's megabanks, not to mention our own. That is what it was about. It was about bailing out Europe's megabanks. German and French banks alone have more than $900 billion in exposure to Greece and other vulnerable Euro countries, including Ireland, Portugal, and Spain.

Meanwhile, our top five banks have an estimated $2.5 trillion in exposure to Europe. That is $2.5 trillion in exposure to Europe.

So long as we have too-big-to-fail institutions, we will continue to go through the ''doomsday'' cycles of booms, busts, and bailouts. There are two amendments left that address this critical question directly, two others that would help. I believe at least one of the two represents a critical test of whether we as a body are serious about curbing systemic risk. While I would prefer we pass the Cantwell-McCain amendment, which would restore the Glass-Steagall Act's 60-years-long separation between commercial and investment banking activities—which I have spoken on the floor many times about—I believe very strongly that, at a minimum, we must pass the Merkley-Levin amendment that would ban proprietary trading activities by commercial banks.

This is not a radical amendment. After all, it is President Obama's proposal, which he has named the Volcker rule, after the most respected bank regulator in the last half century, former Federal Reserve Chairman Paul Volcker. It has been represented to us for many weeks that even the current version of the bill includes a mandatory imposition of the Volcker rule after a 6-month study. The Merkley-Levin amendment would remove any doubt about whether the new council could, after its review, recommend modifications to the rule.

Merkley-Levin, in my view, is where the rubber hits the road. It is a true test of whether the administration and the Congress are serious about imposing limitations on the activities of the government-guaranteed part of our financial system—in short, so that casino-like activities can no longer remain centered at the heart of too-big-to-fail institutions.

I also believe that a strong financial reform bill must retain the key provisions on too big to fail that are already in the bill, particularly Senator LINCOLN's provision to prohibit banks with swap dealers from receiving emergency Federal loans, and an amendment to the bill, Senator DORGAN's amendment, which bans naked credit default swaps.

As I said, I am proud to support Senator MERKLEY's and Senator LEVIN's amendment to include a more robust version of the Volcker rule ban on proprietary trading within commercial banks in the bill.

Specifically, the amendment would bar banks and their affiliates from engaging in proprietary trading and from owning a hedge fund or private equity fund. To avoid regulatory arbitrage, it would also increase capital requirements on large nonbank financial institutions engaged in proprietary trading.

The Merkley-Levin amendment would minimize the potential procedural roadblocks to the Volcker rule contained in the current bill by specifically directing the regulators to develop rules to implement the Volcker rule restrictions. It would not give unnecessary discretion to the same regulators who have long had the authority to prohibit speculative activities at banks but never opted to do so.

I have heard some proposals call for so-called de minimis exceptions and other loopholes to a ban on proprietary trading at banks. Loopholes of this kind, however, undermine the very spirit of the Volcker rule and would allow banks that benefit from federally insured deposits and access to the Fed window to continue to engage in activities that are speculative in nature. Importantly, this amendment would also build upon the work of Senator LEVIN's Permanent Subcommittee on Investigations to address conflicts of interest within the modern investment banking model. The PSI subcommittee hearings, in which I had the privilege to participate, demonstrated how Wall Street firms sold clients securities without disclosing their financial interests in seeing such securities fail or perform poorly—basically betting against the very securities they were selling to their clients. Talk about a conflict of interest. This amendment would address this problem by prohibiting underwriters of an asset-backed security from engaging in transactions that create material conflicts of interest with respect to the securities being sold—something I think everyone, on observation, agrees should be the case.

I strongly urge my colleagues to support Merkley-Levin so we can say to the American people we have acted in Congress to prevent another crisis. I do not want to put my faith in a stability council of regulators detecting ''early warning signals'' of financial instability. I would rather we move our largest banks off of the San Andreas Fault of leverage and speculation on which they now sit.

I also support strongly Senators CANTWELL's and MCCAIN's amendment to break up the largest banks by reimposing the Glass-Steagall Act. Unless we break the megabanks apart, they will remain too large and interconnected for regulators effectively to control. Once the next inevitable financial crisis occurs and the contagion spreads too quickly for the government to believe that a failing firm won't take down others as well, the American taxpayer—the good old American taxpayer—will again be forced into the breach.

By statutorily splitting apart massive financial institutions that house both banking and security operations, we will both cut our megabanks down to reasonable and manageable sizes and rightfully limit government support to traditional banks. This worked for nearly 60 years and once again will ensure the soundness of commercial banks while placing risky bank investment activities far beyond any government safety net check.

If Congress fails to impose needed structural changes like Glass-Steagall, the same systemic risks to our financial system remain and grow bigger and bigger and bigger. When the next crisis occurs, however, the legislative pendulum will suddenly shift direction and will fall hard on Wall Street in the form of Glass-Steagall and far more Draconian reforms.

I also believe we must preserve section 716 of the current Senate bill. The provision included in the bill by Senate Agriculture Committee Chairman LINCOLN would prohibit banks with swap dealers from receiving emergency assistance from the Federal Reserve or FDIC. By forcing megabanks to spin off their swap dealers into an affiliate or separate company, this section would help restore the wall between the government-guaranteed part of the financial system and those financial entities that remain free to take on greater risk.

It would also help address the enormous concentration of power among a few too-big-to-fail institutions. As has been quoted many times on this Senate floor over the last several weeks, the five largest banks—Goldman Sachs, Morgan Stanley, JPMorgan Chase, Citigroup, and Bank of America—control over 90 percent of the over-the-counter derivatives market. That is nine zero, 90 percent, our 5 largest banks. Yet there are those who say that forcing these megabanks to spin off their swap dealers to affiliates in only a few years' time would disrupt the derivatives market. The historical record shows repeatedly that financial institutions can adapt to regulatory changes quite quickly. Look at Goldman Sachs. Goldman Sachs has been a bank holding company for fewer than 2 years. Within that time, it has used its newly formed bank, which is just one-tenth the size of the overall holding company, to source the vast majority of its derivatives transactions. That is just in the last 2 years. Amazingly, Goldman Sachs has a $41 trillion derivatives book attached to a $91 billion bank. Do you have that? A $91 billion bank with a $41 trillion derivatives book attached to it.

Unfortunately, allowing massive derivatives dealers to be housed within banks creates moral hazard, a term often invoked by my conservative colleagues. This was true of AIG, which rented out its AAA rating and the financial strength of its insurance subsidiaries, to write credit default swap contracts that systemically underpriced risk. It is also true of dealer banks whose access to federally insured deposits and the government backstop of emergency lending allows them to underprice risk on swap contracts. Notably, this government subsidy allows these institutions to be lax in their collateral and margin requirements on derivatives transactions.

Some complain that requiring the megabanks to spin off their derivatives dealers would require these dealers to raise extra capital as affiliates. I say that is precisely the point. Housing a large derivatives dealer book in a bank, even a small one, allows these institutions to arbitrage capital requirements. Requiring them to spin off their dealer to a separate broker-dealer affiliate would appropriately require them to raise more capital based upon the riskiness of their derivatives book. This is good. Currently, these institutions are undercapitalized.

Yet Fed Chairman Bernanke claims:

> Forcing these activities out of insured depository institutions would weaken both financial stability and strong prudential regulation derivative activities.

I beg to differ. Spinning off large derivatives dealers would force these institutions to adequately price and capitalize the risks associated with these activities. By ending the aforementioned moral hazard, we are only strengthening financial institutions. By requiring derivative dealers to hold capital commensurate with the risk of their business, we are only strengthening prudential regulation.

Meanwhile, FDIC Chair Bair states that derivatives:

> do have legitimate and important functions as risk management tools and ensure banks play an essential role in providing market-making functions for these products.

Requiring banks to spin off their derivatives, however, would not preclude them from using derivatives as risk management tools or as products to service client needs. For example, if a client wanted to hedge the interest rate risk on a floating loan through a swap, the bank would still be able to execute that transaction. Senator LINCOLN's provision doesn't ban banks from using derivatives. Instead, it says that it is inappropriate for a commercial bank to have an almost $80 trillion derivatives book, as some do.

Of course, anyone can come up with a reason for maintaining the status quo—of saying, for example, that Senator LINCOLN's inspired solution simply goes too far. But after the crisis we just suffered, I would ask my colleagues to support these proposals which represent real reform and change. I would ask my colleagues to see the wisdom of building an enduring structure of laws instead of investing our hopes in unelected regulatory discretion. We have seen the effects of regulators neglecting their duties and banks left to self-regulation.

Instead of trusting our financial stability solely to unelected financial guardians, these amendments and provisions would all address preemptively the persistent problem of too big to fail. They all say speculative securities activity should not be covered by the government's deposit safety net. By reducing the size and scope of our largest banks, we will limit their risky behavior and minimize the possibility of one institution's failure causing an industrywide panic and a subsequent bailout of several failing megabanks.

By adopting these commonsense proposals, we can go a long way toward stabilizing our economy, restoring confidence in our market, and protecting the American people from a future bailout. America cannot afford another financial meltdown. The American people are looking to Congress to assure that it does not happen. We have a precious few remaining days on this bill to follow through on that commitment.

As I started out, I wish to commend Chairman DODD and the committee for the excellent work they have done on this bill. I also commend Chairman DODD for the fact that we have had such good comity and such good relations between both sides of the aisle on this bill. That is why I am so concerned about the decision by the other side to block the Merkley-Levin amendment. This is at the heart of this bill. If you had to look at one of the things that is very important and that everyone commends, it would be this amendment. We have voted for a lot of Republican amendments and accepted a lot of Republican amendments that Democrats were not in favor of. This seems like the wrong time in the process toward the end to do this.

I hope my friends on the other side of the aisle will rethink what we are doing and that we get a chance to vote, because it is absolutely essential to this bill that we have a vote on the Merkley-Levin amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3892, AS FURTHER MODIFIED, TO AMENDMENT NO. 3739

Mr. BINGAMAN. Mr. President, I have an amendment No. 3892, as modified, and I ask unanimous consent to further modify it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is further modified.

The amendment, as further modified, is as follows:

On page 565, between lines 2 and 3, insert the following:

(e) JUST AND REASONABLE RATES.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) (as amended by section 717(a)) is amended by adding at the end the following:

"(vi) Notwithstanding the exclusive jurisdiction of the Commission with respect to accounts, agreements, and transactions involving swaps or contracts of sale of a commodity for future delivery under this Act, no provision of this Act shall be construed—

"(I) to supersede or limit the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.);

"(II) to restrict the Federal Energy Regulatory Commission from carrying out the duties and responsibilities of the Federal Energy Regulatory Commission to ensure just and reasonable rates and protect the public interest under the Acts described in subclause (I); or

"(III) to supersede or limit the authority of a State regulatory authority (as defined in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)) that has jurisdiction to regulate rates and charges for the sale of electric energy within the State, or restrict that State regulatory authority from carrying out the duties and responsibilities of the State regulatory authority pursuant to the jurisdiction of the State regulatory authority to regulate rates and charges for the transmission or sale of electric energy.

"(vii) Nothing in clause (vi) shall affect the Commission's authority with respect to the trading, execution, or clearing of any agreement, contract, or transaction on or subject to the rules of a registered entity, including a designated contract market, derivatives clearing organization, or swaps execution facility.".

(f) PUBLIC INTEREST WAIVER.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) (as amended by section 721(d)) is amended by adding at the end the following:

"(6) If the Commission determines that the exemption would be consistent with the public interest and the purposes of this Act, the Commission shall, in accordance with paragraphs (1) and (2), exempt from the requirements of this Act an agreement, contract, or transaction that is entered into—

"(A) pursuant to a tariff or rate schedule approved or permitted to take effect by the Federal Energy Regulatory Commission;

"(B) pursuant to a tariff or rate schedule establishing rates or charges for, or protocols governing, the sale of electric energy approved or permitted to take effect by the regulatory authority of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy within the State or municipality; or

"(C) between entities described in section 201(f) of the Federal Power Act (16 U.S.C. 824(f)).".

Mr. BINGAMAN. Mr. President, the further modification clarifies that each agency—that is, the FERC and the CFTC—will retain its legitimate authority, whether to review derivatives or to review rates and charges and prevent manipulation, without one agency knocking the other agency out of the box of its respective mission. It is a good improvement.

I believe this amendment is now without substantial objection. I ask that we proceed to a voice vote on the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3892), as further modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, our colleague from North Dakota is going to speak over the next several minutes. At the conclusion of that, I will make some remarks, and then there will be a tabling motion of the Dorgan amendment. To make colleagues aware, that is what will happen.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have spoken on this amendment previously and have waited patiently for several weeks to be able to have an opportunity to vote on it. We have not been able to get it pending. I now have it pending because I offered it as a second-degree amendment to the Grassley amendment.

This is an amendment that would ban the use of naked credit default swaps. You ask, how does a credit default swap get naked? It is an exotic, new financial instrument that has been developed over recent years to be traded back and forth by the big financial institutions. In fact, 90 percent of them are traded by the five biggest financial institutions. When people say you need these—banks need these—just a handful of banks trade most of these.

What is a naked credit default swap? It means someone is buying insurance against some other instrument that they have no interest in, except they want to make a wager. I have said before that I can't buy fire insurance on the house that the Presiding Officer owns in Colorado. Why? Because I don't have an insurable interest in that house. If I went to somebody and said: I would like to buy some insurance against fire for that house, they would say: You don't own that house, so I cannot possibly sell you that policy. Also, I cannot buy a life insurance policy against my colleague from Connecticut because I don't have an insurable interest either.

But I can go buy $100 million worth of insurance, right this second, on a bond issue that was issued by some company yesterday, even though I never, ever intend to own the bond, have no interest in the bond, and don't know much about the company. I just want to bet someone who will take the opposite side of the wager. I believe the bonds will not be repaid, and the counterparty says: No, you are wrong about that. I think that company will repay its bonds. So we make a friendly wager—kind of like one of those Saturday sports wagers. We bet. I am betting this person about the question of whether the bonds will default. It is called synthetic when it is not real or naked when it has no interest. So this would be a synthetic or a naked credit default swap.

It is a different story if I have an interest, where I actually bought those bonds—some company let the bonds and I bought them, so I am the investor in the bonds. But I want to make sure the default doesn't take me down with it, so I buy an insurance policy. That is a credit default swap that is covered. Naked means you have no interest, just a bet. Covered means it is an investment you made to try to hedge your risk on the default of the bonds.

Here is what is interesting. We expect, based on what we know to be the case, that about 80 percent of all credit default swaps are not covered or what are called naked swaps—80 percent. Some people say to us: Well, we can't get rid of these financial instruments. These are very important for normal hedging. That is absolutely absurd, total rubbish.

My amendment would say that at some point we have to ban naked credit default swaps. Mr. Pearlstein, who writes for the Washington Post, asked the question many months ago:

> Why should there be more insurance policies sold on a bond issue than there are bonds to be insured?

Why should you have 20 times more insurance policies than you do bonds? Because it is wagering, not investing.

I find myself fairly disappointed by what is happening. This is a moment of substantial consequence for our country. We came very close, they say, to a meltdown of our economy. Trillions of dollars were lost. I guess there was about $14 trillion or $15 trillion in lost value for the American people. Millions of people lost their jobs. Millions of people have lost their homes. By the way, at graduation time, when colleges all across the country are graduating these bright, young men and women who have now gotten their college diploma—they are out looking for work, and way too many of them cannot find a job because of what happened to this economy in recent years.

What happened? We created a casino economy. You didn't have to read the newspapers very much to understand what was going on. This unbelievable speculation, a bubble of speculation, occurred in virtually every single area, and there were new financial products on steroids—securitizing everything. Are you loaning somebody some money? Well, put it into a security, wrap it up and sell it to a hedge fund or an investment bank. Securitize everything. By the way, you can get some very bad stuff that is rated AAA. So sell it up. By the way, once you start selling things, you don't ever have to worry about whom you are issuing credit cards to or that you are wallpapering the room of people who don't have jobs with more credit cards. You don't have to do normal underwriting or sit across from somebody who wants to buy a house and look into their eyes and say: Tell us your income. How are you going to repay the loan if we loan you the money? You can put out liars' loans, no-doc loans. Don't document your income because we don't care. Don't pay any interest or principal now; we will put that on the back side. We will make the first 12 months of payments for you. If you have no credit or low credit, come to us—I will show you the advertisements that were on the radio, television, and newspapers: Slow credit, no credit, bad credit? We want to loan you money.

They said: Let's securitize it and we will ship it upstream and we will all make big profits and fees and we will create credit default swaps and CDOs and we will all have a great time. When the whole thing crashes down, ''Wall Street'' will have lost about $36 billion in 1 year and paid $17 billion in bonuses at the very same time.

Do you think this wasn't a carnival of greed? Of course it was. There are a number of things we ought to do and too many that we will not do in this legislation. Too big to fail ought to have meant to all of us that you are simply too big. By the way, those who were judged too big to fail and would cause a grave risk to this entire economy if that firm should fail, they have now become much larger by the actions of the Federal Government arranging marriages of companies that weren't making it. So the too-big-to-fail companies are actually much larger now, and the underlying legislation doesn't do a thing about too big to fail in terms of paring it away and deciding if you are too big to fail, you are too big and you must divest until you don't cause a grave risk to the entire economy.

In addition to the issue of too big to fail, there is the Glass-Steagall reconnection. My colleague has an amendment on that. There is this issue I am raising on naked credit default swaps. If we have decided we are not going to get rid of these financial curveballs—financial instruments on steroids that took this country for a huge ride and stuck the American people with trillions and trillions of dollars of loss and bad debt—if we don't do that, let's not crow about what we did because this is essential, in my judgment.

This is what I think happens, as is always the case when it comes to Wall Street versus the rest of us; it is let's pretend time. This is a case of whose side are you on? Are you going to try to see if you can shut the door and deal with those issues that helped cause this near collapse of our economy or are we just going to buff it up a little bit around the edges? I am trying to tighten this bill.

I have not been able to get this amendment up, except by offering it as a second-degree amendment. My understanding is, there will be a tabling motion. Those who decide they want to table it don't want to tighten this bill, don't want to take on Wall Street on these issues. They say: No, let's let Wall Street prance around and trade naked credit default swaps. They were up 8 percent in the fourth quarter of last year. You would think somebody would learn a lesson. They had a $700 billion bailout fund and so on, so you would think they would tone it down. No. In the fourth quarter of 2009, the use of credit default swaps was up 8 percent. If one wonders how much money is involved in all these things—I have spoken before about John Paulson, whose name came up recently with Goldman in the scandal that was the subject of a congressional hearing. In 2007, he was the highest income earner on Wall Street, earning $3.6 billion—one person. When he came home and his spouse said: Honey, how are we doing? If she wanted it by the month, he could say that this month we made $300 million. If she wanted it by the day, he could say: Pretty good. It is Saturday and I made $10 million—$10 million a day, $3.6 billion a year.

There was so much money involved in all these issues, and the reason there was so much was this unbelievable binge of speculation. We can pass financial reform, and we can call it whatever we want, but if we pass it and don't put a cork in this bottle, and we fail to deal with this issue, I will tell you, we will be back and we will find a way to have to confront, once again, the creation of these unbelievable speculative issues—naked credit default swaps—that have no insurable interest. We will regret the day we didn't address this issue head on.

I understand why there is pushback from Wall Street and why some will be nervous about voting for this. They will want to table it because they are getting pushback from Wall Street. Wall Street is wrong—dead wrong. They don't need, nor do American banks need, to be trading credit default swaps in order to make money. Yet, as I indicated to you, five of the largest financial institutions in this country have 90 percent of the credit default swaps. We think about 80 percent of them are without any insurable interest in anything. That is wagering, not investing.

This country deserves better, and the American people deserve for the Congress to stand up to Wall Street and say: You know what, the creation of these instruments exacerbated the economic troubles of this country in a significant way, and at long last it is time to put an end to it. This amendment simply bans the use of naked credit default swaps. It has a provision that says, if such a ban in a certain timeframe would cause undue—Mr. President, the Senate is not in order.

There is a provision in this legislation that, as opposed to a ban on a date certain, if that would prove to be troublesome, it would stretch out for an 18-month period by which such a ban could take effect.

Let me say this. I understand the tabling motion will be made. My hope is that colleagues who believe we ought to take on Wall Street on these issues will stand up for the American people on these issues and do the right thing on these issues, especially since we are living in the shadow of a near collapse of this economy.

My hope is that my colleagues will vote against tabling this amendment and, thereby, express their support for the amendment I am offering.

I am offering this amendment on behalf of colleagues which I will submit for the RECORD as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to speak a couple of minutes. This is the first opportunity we have had, with all the other amendments we talked about, to even talk about this very critically important part of the legislation, and that is the section dealing with derivatives, which is a source of major interest.

I wish to spend a couple of minutes describing to my colleagues what is in this bill that is before us dealing with derivatives, and then I will express some concerns about the amendment of my good friend and colleague from North Dakota. Then at the conclusion of that, unless others would like to be quickly heard on this matter, I will move to table the Dorgan amendment.

That is normally not what we have done. There have been no tabling motions made over these 2½ weeks. Let me express my regret that Senator DORGAN was unable to get a straight up-or-down vote on his amendment. Even though I have concerns about it, I tried over the last 2 weeks to have everyone have their amendments raised so we could have a good, vibrant, full-throated debate on matters and let Members decide. In some cases, we had a 60-vote margin; in most cases a 50-vote margin. No one has said to anyone yet: Your amendment can't come up.

I say to the Senator from North Dakota, I tried to see to it that everybody has the opportunity to be heard. As he knows and others know, we have had a stalemate this afternoon on whether matters can be heard.

As I said, derivatives, as most of my colleagues and many in the country understand, are essentially hedges or bets whose worth rises and falls with the price of something in the marketplace. They can be very commonsense financial tools to help businesses manage their costs. The word is taken on a pejorative, but actually derivatives are critically important in our economy.

For instance, let's say you make candy for a living; you are a candy manufacturer. The price of sugar is an incredibly important factor in determining your bottom line, and the cost of sugar can fluctuate dramatically. All sorts of factors can raise or lower the price of sugar, which is a critical component in your production of candy, but it is a factor you cannot control. You do not necessarily control what happens to the price of sugar as a candy manufacturer. Derivatives can help you manage volatility, and that is why they are so valuable in our economy.

If it sounds like insurance, that is because if used properly, that is exactly what it is.

Let's say you are an investor and you will not be able to afford the loss if your company or government whose bonds you bought defaults. Again, you do not have control over that company's or government's ability to pay you back. So a form of insurance has sprung up in the form of derivatives that would protect you against that kind of default. It is called a credit default swap, or CDS.

Just like a derivatives contract on the price of sugar, it is not necessarily a bad thing. In fact, it could be very helpful in terms of managing volatility and protecting against losses totally unconnected with your activity.

Credit default swaps played a huge role, as we now know, in the lead-up to the financial crisis that has cost our country so much.

For instance, take what happened to AIG, the former insurance giant. Before the crisis, institutions around the world bought credit protection against mortgage-backed securities from AIG, just like you or I might have bought some other, more pedestrian insurance policy. When those mortgage-backed securities failed, AIG owed money to all of those protection buyers around the world. But AIG, as a seller of CDSs, had no regulatory requirement that it actually have the capital on hand that it would need to pay those parties if, in fact, it was called.

Guess who ended up having to make those counterparties whole. We, the taxpayers, the taxpayers across the country because AIG lacked the capital behind those derivatives. Even worse, because there was no reporting requirement, regulators did not even know where the risks were in the financial system. Because there was no requirement that these transactions run through a clearinghouse, even people in the financial sector could not figure out for sure who was exposed to AIG's potential failure.

The result, of course, was a total freeze in our markets and our financial system because financial sector actors no longer trusted that their counterparties would be creditworthy. And who could blame them? It is like if you did not trust your bank to be around the next day, you would get your money out in a hurry, as many did back 80 years ago when there were no protections. When the word went out, people took to the streets. That is why the bill drawn up in our Banking Committee and Agriculture Committee contains some very tough new rules for CDSs and the rest of the derivatives market.

Under the terms of our bill, CDSs must centrally be cleared and traded on regulated exchanges in order to reduce counterparty risks and to promote transparency and stability in our financial system.

The central clearinghouse will set margin requirements and position limits. Those ideas have been around for decades, by the way, within the commodities markets, going back to the 1870s or 1880s. Margin requirements and collateral requirements have been required; hence, there are very few problems in the commodities markets because of margin requirements and collateral requirements.

The bill before us includes tough new rules for protection sellers, such as AIG and dealers such as Goldman Sachs, that will be registered and regulated by the SEC and CFTC. They will have to face tough new rules to curb excessive risk taking, and all CDSs will be reported through a central clearinghouse, data repository, or directly to regulators.

For the very first time, financial advisers working with municipalities—the people helping to ensure that our communities invest wisely—will have to register and be subject to rules and regulations.

Our colleague from North Dakota, Senator DORGAN, has offered an important amendment to tackle yet another problem, as he sees it, with CDSs. If you owned a house and bought a policy that would pay you money if the house burned down, we would call that insurance. But if you bought that policy on someone else's house, a house you did not even own, you probably would not get invited to spend the weekend there because you were betting the house would catch on fire.

At best, we call that a cynical bet. Unfortunately, it happens a lot in our financial system. It is called a naked CDS. It is a CDS in which the entity buying protection does not even own the underlying credit.

During the crisis, traders bought protection hoping that borrowers would fail to pay back their loans—borrowers such as the government of Greece or the State of California, for that matter.

Betting on failure, of course, is dangerous, as we know. That is why Senator DORGAN has offered an important amendment, in his mind, to define the problem. In addition to requiring all CDSs to be cleared, it outright bans naked CDSs and synthetic asset-backed securities.

I have described the serious steps we have taken in our underlying bill to reduce the dangers in the CDS market. Senator DORGAN's amendment goes a step further and, in my view, too far at this particular juncture. Let me explain why.

I don't know, nor can anyone say with absolute clarity, what are the implications and the unintended consequences if we have a total ban on the naked synthetic credit default swaps.

Here is my concern. You can have, for instance, people hedging against where they have uninsured interests. In fact Greece—a country that may fall, an entity in which there is no particular financial interest but there is a concern that economy may not be there—they lack insurable interests, necessarily, but it is not illegitimate to want to protect yourself against an event such as the collapse of another country that could cause financial disruptions.

My concern about the Dorgan amendment, and had we been dealing with it in another means—that is, we had offered the Dorgan amendment—I intended to offer a side-by-side amendment that would have allowed this to go forward but asking the security risk management operation we set up in this bill to make valuation to determine how this could work.

I happen to believe in certain instances what Senator DORGAN offers makes sense. My concern is I cannot tell you with certainty what the unintended consequences are. I cannot say with absolute certainty what Senator DORGAN is proposing actually will be doing what it claims or if there are broader implications to it.

This is a very important matter. I do not minimize it at all. But as chairman of this committee responsible for advising colleagues and drafting legislation, I need to talk with some certainty about what I think the implications will be of certain proposals. I cannot tell you what the outcome of this will be. There may be serious consequences negatively to our economy if we adopt this amendment as is.

For those reasons this evening, I feel compelled to disagree with this amendment. The only alternative I have to disagreeing to it is to vote to table because of the procedural position in which we find ourselves. I would have preferred a side-by-side which would have given some room for the Dorgan amendment to move forward with further consideration as to how it is applied.

Lacking that ability, do we accept or reject the amendment? Because of the concerns I have about accepting the amendment without knowing what the consequences may be, I have to recommend the amendment be defeated. Without necessary protections for commercial end users, financial stability, and governments and corporations that depend on credit in which to operate and any alternative, we risk shutting down a $25 trillion credit default swap market—a $25 trillion credit default swap market. We need thorough examination and study before taking this kind of dramatic action. That much is at risk if this amendment were to be adopted.

I urge my colleagues, given the circumstances, to support the tabling motion.

I see my colleague from North Dakota. I withhold making the tabling motion and give him a chance to respond.

Mr. DORGAN. Mr. President, I appreciate the courtesy of my colleague from Connecticut. My colleague talks about unintended consequences. We already know the real consequences of what are called naked credit default swaps. That is all we are talking about with this amendment.

My colleague started out by talking about normal hedging by a candy manufacturer with respect to the price of sugar. That is not what this is about at all, and I am not prepared to lose a debate in which I am not involved. That is not what this is about. This is about naked credit default swaps.

My colleague says there is $25 trillion of notional value of credit default swaps. I have cited two sources—the best two of which I am aware—that says 80 percent of them—think of this—as much as 80 percent of them have no insurable interest. They are just flatout naked, just gambling, betting, not investing.

This is not a case of unintended consequences. We know the real consequences. We have already lived it and experienced it and we ought to understand that we cannot accept it any longer.

This bill allows us to decide what kind of financial system we want going forward. Do we want to leave here saying we want a financial system in which the big shots on Wall Street decide they want to trade $25 trillion worth of credit default swaps, 90 percent of them in the five biggest banks?

If that is what they want to do and it is betting rather than investing, God bless them; let them do it. Who are we to tell them? Who are we to tell them? We lost about $15 trillion, that is who we are.

My question is: Are we going to see if we can sober up this system to say this is not the kind of financial system with which we grew up? Only in the last decade and a half did we decide to securitize everything and create these new exotic instruments—CDOs, naked credit default swaps and the like. That has happened recently. It was not because my colleagues from Connecticut and Alabama came to the floor of the Senate and said: Let's decide to create a whole series of new financial instruments in this country that are hard to pronounce and understand. They can all make a lot of money in fees, pay big bonuses, and it will work out just fine. That is not how it happened. It happened because we had a bunch of braindead regulators, among other things, who said: Go play. And they all went to play and made a lot of money, and this economy nearly pancaked.

So this amendment, I would say to the Senator from Connecticut, is very simple. It would ban the use of naked credit default swaps in which no one has any insurable interest.

By the way, with respect to unintended consequences, under this modified amendment I have offered, the appropriate Federal regulators, including the chair of the Financial Stability Oversight Board, may phase in the effective date for up to 18 months if they determine the phase-in of the prohibitions and limitations in the amendment is necessary to avoid undue market disruptions.

Having said that, I respect the view of my colleague. I profoundly disagree with it. I hope very much that my colleagues will decide not to table this amendment and to stand on the side of people who say: Let's really make a change here. We understand what happened. It was awful for this country. Let's make sure it doesn't happen again. The only way we will do that is to effect the kind of change that exists in this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, again very briefly, obviously much of what we have included under our bill, of course, is designed specifically to avoid the kinds of losses that occurred. There are provisions in the bill dealing with those kinds of safeguards—the clearinghouses, the regulators, the mandatory exchanges, and the like. That is in the bill.

Again, I have to say to my colleagues here that there are potentially serious consequences to this. There are no protections for commercial end users if this amendment is adopted. We run the risk of financial instability in governments and corporations that depend upon credit to operate—$25 trillion.

Again, I would have offered a side-by-side which would have taken some of the good aspects of the Dorgan amendment, but my concern is about exactly the provisions I have mentioned, and there is too much at risk, in my view.

If this is the only choice we are given, I have to provide my recommendation. My recommendation is, given the choice we are given, the choice I have to make in this particular case is that we table this amendment.

For those reasons, Mr. President, I move to table the Dorgan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. DODD. Mr. President, I ask unanimous consent that if the Dorgan amendment No. 4114 is disposed of, then the Senate proceed to vote in relation to the Grassley amendment No. 4072, with no intervening amendment in order.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mr. SCHUMER), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 38, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—57

Akaka	DeMint	LeMieux
Alexander	Dodd	Lieberman
Barrasso	Enzi	Lugar
Baucus	Gillibrand	McCain
Bayh	Graham	McConnell
Bennett	Grassley	Mikulski
Bingaman	Gregg	Murkowski
Bond	Hagan	Nelson (NE)
Brown (MA)	Hatch	Reed
Brownback	Hutchison	Risch
Burr	Inhofe	Roberts
Carper	Inouye	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Johnson	Stabenow
Collins	Kerry	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Warner
Crapo	Landrieu	Wicker

NAYS—38

Begich	Feingold	Nelson (FL)
Bennet	Feinstein	Pryor
Boxer	Franken	Reid
Brown (OH)	Harkin	Rockefeller
Bunning	Kaufman	Sanders
Burris	Klobuchar	Shaheen
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Ensign	Murray	

NOT VOTING—5

Byrd	Schumer	Voinovich
Lincoln	Specter	

The motion was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4072

Mr. DODD. I inquire of the Chair, the pending business is now the Grassley amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Grassley amendment.

Mr. DODD. I understand there will be a request for a rollcall vote on the Grassley amendment. After that, we are still anxious—we have additional amendments. I say to my colleagues, many of you have submitted amendments you would like to have considered this evening before we get to a cloture vote tomorrow. I am willing to stay and try to accommodate as many as possible. I know Members would like to have clarity on whether we will have any more votes. There are a number of other amendments we would take up in relatively short order.

I have submitted some 49 amendments to my good friend, RICHARD SHELBY, the ranking member of the committee, that we could accept, both Democratic and Republican amendments. Some are bipartisan amendments. I am not expecting to accept every one of them, but there are many that could be part of a managers' amendment that could take care of a lot of concerns others have raised. We will have to wait to determine whether they have been cleared.

Tomorrow, there will be a cloture motion. In the meantime, there is still time this evening to consider amendments that otherwise would probably fail in a postcloture environment. I am willing to stay and deal with as many of these amendments as we can before we get to that cloture motion tomorrow, but the pending matter is the Grassley amendment.

There has been a request for the yeas and nays on those votes. That is the immediate business. After that, I cannot tell you with absolute certainty there will be additional rollcall votes. If others ask for them, we may ask you to come back and cast a ballot.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are trying to have more votes, but we will have to see if we do. We will have this vote. I think it is fair to say it may be difficult to have more votes tonight.

We are going to work—we are scheduled to have the vote an hour after we come in. I will work with the Republican leader to find out exactly what time we need that to be. I know there are some problems with attendance. We will have it at either 10 o'clock or 11 o'clock, whatever is convenient for everyone. We may be able to dispose of some amendments, even in the morning.

Mr. DODD. While all Members are here, this has been a remarkable 3 weeks. I realize not every amendment has been adopted, but for many of us, we were able to get back to the business where we actually have amendments offered, debates occurring, a good-throated discussion of a very important set of issues.

My hope would be that tomorrow—it is coming to the point where we can go on indefinitely on the subject matter. We need to get to closure at some point. My plea to colleagues, as you are thinking about this evening, amendments tonight, a few amendments tomorrow, some amendments in postcloture, we need to come to closure on this legislation. It is a good bill. The country is expecting us to answer the issue of whether we are going to protect our people from future bailouts, give them some protection against the kinds of problems that occurred in the past.

I urge you, as the chairman of this committee, to be supportive of our motion tomorrow and begin to reach closure on this bill so we can move on to other matters.

Mr. President, I ask for the yeas and nays on the Grassley amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—75

Alexander	DeMint	Lugar
Barrasso	Dorgan	McCain
Baucus	Durbin	McCaskill
Bayh	Ensign	McConnell
Begich	Enzi	Mikulski
Bennet	Feingold	Murkowski
Bennett	Graham	Murray
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Nelson (FL)
Brown (MA)	Hagan	Risch
Brown (OH)	Harkin	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Shelby
Cantwell	Isakson	Snowe
Carper	Johanns	Stabenow
Casey	Johnson	Tester
Chambliss	Kaufman	Thune
Coburn	Kerry	Udall (CO)
Cochran	Klobuchar	Udall (NM)
Collins	Kohl	Vitter
Conrad	Kyl	Webb
Corker	Landrieu	Whitehouse
Cornyn	Leahy	Wicker
Crapo	LeMieux	Wyden

NAYS—21

Akaka	Gillibrand	Pryor
Boxer	Inouye	Reed
Burris	Lautenberg	Reid
Cardin	Levin	Rockefeller
Dodd	Lieberman	Sanders
Feinstein	Menendez	Schumer
Franken	Merkley	Warner

NOT VOTING—4

Byrd
Lincoln
Specter
Voinovich

The amendment (No. 4072) was agreed to.

Mr. DODD. I move to reconsider the vote and to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I call up amendment No. 4085 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What is the pending amendment?

The PRESIDING OFFICER. The pending amendment is amendment No. 4050, offered by the Senator from Maryland, Mr. CARDIN.

Mr. HARKIN. Mr. President, I wish to be heard on this amendment. We were told to stay here tonight so we could offer amendments. I have had an amendment pending since this bill was brought to the floor. I have not been able to bring it up. We were told we could stay here tonight and offer amendments. In good faith, I stayed here to offer an amendment. Now I am told we can't offer amendments because of the pending amendment, and we can't set it aside. What kind of games are being played around here? I had this amendment pending ever since the beginning, and I have not been allowed to bring it up. With cloture tomorrow, it would fall. What does it mean that we should stay around here to offer amendments tonight, when there is a pending amendment we can't set aside?

If that is the game we are going to play, I am going to put in a quorum call and we will not call it off.

Mr. REID. Will my friend yield without losing his right to the floor?

Mr. HARKIN. Without losing my right to the floor, I yield to the majority leader.

Mr. REID. In the conversations we just continued over here, I tried to work something out. It was my understanding that the minority, the Republicans, agreed to allow the Senator's amendment dealing with annuities to come up.

Mr. HARKIN. I can't hear.

Mr. REID. In a conversation we had over here a few minutes ago, the Republicans and Senator DODD and his staff thought it would be appropriate to bring up your amendment dealing with annuities. That was part of the general agreement we had worked out over here.

Mr. HARKIN. Well, I have my ATM amendment, and then there is an annuities amendment.

Mr. REID. The annuities amendment is what the conversation was about.

Mr. HARKIN. This is the ATM amendment that I have had filed since the beginning. I have had it filed since this bill was brought to the floor.

Mr. REID. So what about the annuity amendment?

Mr. HARKIN. I have that amendment too. I didn't know there was a limit. I have two amendments. I have an annuities amendment and an ATM amendment.

Mr. REID. I guess my question through the Chair to my friend from Iowa is, rather than going into a quorum call tonight, you could always do that some other time. I think it would be more productive if your amendment, which is dealing with annuities, was lumped into a number of other amendments that have been agreed to on both sides. See if we can dispose of those. Then if you still feel aggrieved at a later time, you could still do whatever you want.

Mr. HARKIN. I will not be able to because there will be a cloture vote tomorrow, and I will have been precluded for 3 weeks from offering my amendment. That is not quite fair ball around here. I said I would do my amendment in 5 minutes. I don't need to take much time.

Mr. REID. I say again through the Chair to my friend, it seems that it would be better that you would have the opportunity at least to get the annuity amendment, which a number of us believe is a very important amendment. I think it would be better if we were able to at least get rid of that amendment in a positive way. I think that is a very important amendment. If I had to choose between the ATM amendment or the amendment dealing with annuities, it would be hard for me to make a choice which one is the most important amendment. It is not a question of not having two amendments. It is a question of couldn't we at least dispose of one of them which is an important amendment; otherwise, the way this train is going, we may never get to the annuity amendment.

Mr. HARKIN. I say to my friend, the leader, that we seem to have an impasse. I have an annuities amendment. I don't know what is going to happen to that. I don't know if they are going to bring it up, vote on it or not vote on it. No one has said to me what they are going to do with it. I have an ATM amendment I have been trying to bring up. I heard my friend from Connecticut—and he is my friend; I respect him highly—say: Stay around here tonight and offer amendments. I just offered an amendment, and now I can't offer the amendment because they will not set aside the pending amendment.

Mr. REID. I am not going to belabor the point, other than to say to my friend, there has been a tentative agreement between the two managers of the bill, including offering your amendment dealing with annuities. That is an important amendment. I support it a lot. I think the other amendment is good too. But we don't have agreement on both of them. We do on one of them.

Mr. HARKIN. Mr. President, until we find some way to work something out, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to vacate the quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, the quorum call is lifted.

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4019, the bipartisan amendment Senator GRASSLEY and I have worked on for years to end secret holds here in the Senate, and permit 10 minutes of debate.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. I object on behalf of Senator DEMINT.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: Could the Senator who objected to my request identify on whose behalf the objection was made?

Mr. SHELBY. I objected on behalf of Senator DEMINT.

Mr. WYDEN. Mr. President, if I could be heard on this very briefly, my friend Senator GRASSLEY is here, and perhaps we could take 3 minutes or so each to discuss this.

We have worked on this now for more than a decade. The American people are furious at the way business is done in Washington, DC, and if ever there were a concrete reason why, we have seen it in the handling of this bipartisan effort to once and for all take business in the Senate out of the shadows and do public business in public. This has widespread, bipartisan support. It is designed to ensure that when a Senator uses one of the most powerful tools at their disposal to actually block the public from seeing public business, that Senator would be publicly accountable. That hasn't been the case, and again and again we have seen colleagues over the last decade abuse this process.

It used to be years ago something that was a courtesy. Now it has come to rule life here in the Senate. Scores and scores of instances of holds have been used by both political parties. There is one Senator in this body—just one—who has objected to this coming up, and that Senator has been unwilling on multiple occasions to come to the floor of the Senate and actually state why he insists on defending secret holds. So the effort to derail secret holds is, in effect, something that is also being done in secret.

We wish to open the Senate to the kind of transparency and accountability the American people deserve, but we can't even get to a debate because the person who wants to derail this effort for new openness and new transparency won't even come to the floor and say it to our face. That is what this is all about. One can have their own views with respect to holds. Colleagues will differ on this, but what we ought to insist on is what Senator GRASSLEY has said over this decade and that is if you are going to object, you ought to have the guts to come forward and do it publicly.

I will tell my colleagues, I believe the secret hold here in the Senate is an absolutely indefensible violation of the public's right to know. Having an office here in the Senate, honored by the people of your State, in my view is a sacred trust. I believe if you told the people of your home State that you are going to go to Washington and keep the public from even getting a peek at a critical nomination or a bill, they wouldn't stand for it for a moment. They certainly wouldn't send you back to the Senate.

I intend to come back to this floor again and again and again. I see my friend Senator GRASSLEY here, who has in my view been a leader in the fight for open and transparent government. I will tell my colleagues, I think the idea that one Senator—because we got this to a vote and we asked for 10 minutes tonight for a debate, this would pass overwhelmingly—but one Senator objects to our even getting a vote for more sunshine in government. Again, that Senator has been unwilling on multiple occasions to come to the floor and say why he favors secrecy.

In fact, yesterday—I say this to my friend, the Senator from Alabama, my good friend—the objector said, Well, he was interested in the Senator from South Carolina having the opportunity to come and talk to Senator GRASSLEY and me about our amendment. He has done nothing of the sort. So he objected the first time without notice when we were minutes away from a victory that would have transformed Senate procedure for new openness. He has objected through colleagues. He has been unwilling to come and talk to us about why he insists on secrecy—and, by the way, what he apparently wants to do is something I have actually voted for.

This strikes me as an absolutely indefensible way to do business. It is a concrete case, in my view, of why the American people are so furious about the way business is done in Washington, DC.

I wish to have my friend from Iowa have a few minutes, and then, with the indulgence of the Chair, we will wrap up. This is our third such effort, and I don't care how many times we have to come back to the floor to win this fight for open, transparent, and accountable government. I think it goes right to the core of our duties in the Senate.

I yield the floor, and I particularly express my appreciation to the Senator from Iowa for his patience. We now have well over 10 years into this cause and we are going to prosecute this issue of openness and accountability until the public interest prevails.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, my friend from Oregon has adequately spoken about the rationale behind what we are trying to do as well as the substance of it, so there is no point in my repeating that. But I think people ought to wake up to what is inevitable around here. When 3 or 4 years ago we had exactly the same substance up, it passed the Senate 84 to 13, I think, and through subterfuge, it was taken out in conference. The House doesn't conference a Senate procedure, so that is why I use the word ''subterfuge.'' So we ended up with something that has not worked in the last 3 or 4 years.

Then we hear, particularly from the other side, about the holds, blaming this side for it. Every side has some guilt of misuse of holds. The fact is there is nothing in our amendment that changes the power of an individual Senator to hold up something. It is not as though we are trying to compromise this very significant power that an individual Senator has, but we are taking the adjective ''secret'' away from secret hold so that you know who the person is; so you can have dialogue with that person; so you can find out what their objections are; so you can reach compromises. That is the purpose of it. When things are secret, it is not only obnoxious to our principle of representative government; it violates the opportunity for an institution such as this to actually work. We should want to enhance the respect of this institution and one way to do that is to take the adjective out of secret hold, not to change anything else. It will enhance so much public understanding of what we are doing, because the public's business ought to be public. In our democracy, 99 percent of what we do—and maybe the only exception would be privacy of an individual or national security—of the public's business ought to be public, and that is what the people expect. But this word ''secret'' keeps from the public knowledge a lot of information that ought to be there to make this body work and to make sure we reduce the cynicism of the public toward government operation.

As I said, first, it is inevitable that this is going to happen. Senator WYDEN and I are going to pursue this, because this is the time to do it. The abuse of this power has gone on way too long.

I yield the floor.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 4101 be brought up, considered as read, and that a vote be held at 9 p.m. this evening.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, earlier this evening, my colleague noted that philosophically he shared some interest in this amendment. Others were objecting to it. I wonder whether he would share, in the interest of the debate—and Senator WYDEN was just speaking to it, and Senator GRASSLEY was also—who is objecting to this amendment being debated tonight.

Mr. SHELBY. I was objecting on behalf of myself and a lot of other Members.

Mr. MERKLEY. I thank the Senator. I think it would be useful if the citizens of our Nation were to know who was objecting and that the names be read into the RECORD. I think the citizens have a right to know where their Senators stand on this issue. It is an ideal time to let the citizens know who is putting the secret holds on this amendment.

Mr. SHELBY. Mr. President, if I can respond, there is no secret hold here. I am objecting on behalf of myself to his unanimous consent request.

Mr. MERKLEY. Mr. President, I know I put my colleague in a terrible spot by asking that question. But I do think the citizens of our Nation deserve an explanation as to why we are here tonight and not currently debating any of a whole list of amendments that Members of this body wanted to bring forward about how we improve our financial system.

The amendment, No. 4101, is an amendment that is cosponsored by CARL LEVIN and myself and about 20 other Senators in this body. There are not that many amendments that have 20-plus cosponsors. I will tell you that it is not the number of cosponsors, although that indicates a genuine interest among colleagues in debating this; it is the substance that goes to the heart of the conversation between Wall Street and Main Street.

This amendment is about how we aggregate capital in our country and how we allocate it. How do we get money where it does the most good to build our economy and build the success of our families? We have a couple of different ways of doing that in our Nation. One is that we make a deposit in a bank, and the bank also has access to the Federal Reserve window, where they get very low cost loans. The intent of us providing both access to the Fed window and the low-cost loan and providing a government insurance on deposits is that this money is going to go into loans to our families and our small businesses. That access to capital is absolutely essential for building our small businesses.

Right now, our businesses are having a difficult time accessing capital. I bet every Member of this body has gone around their States and heard the stories I hear in Oregon. I hear about credit lines being cut in half or eliminated. I hear about projects where they are ready to seize a business opportunity but that opportunity is blocked because they cannot get a loan they would have gotten in a heartbeat last year or 2 years ago or 3 years ago. Those opportunities are not just about the success of the business; they are about the success of our families because when those small businesses expand, they put people to work.

Right now, access to capital is frozen through much of our economy, inaccessible to our families and small businesses to be able to seize those opportunities to expand. Why is that? It is because we put in the same house both our lending system and our high-risk investing system. Both of these work very well.

Let me explain the high-risk investing side. If you are so fortunate as to have a big chunk of capital, you may say: I am going to put this into this private equity fund or venture capital fund or this hedge fund, and they are going to have some very capable managers who are going to look for investments—often high-risk opportunities. They will scour the United States, and they are going to find opportunities to invest. A lot of the time those investments pay off handsomely. Those who are fortunate enough to have the funds to be able to put them into such investment vehicles often do very well.

Occasionally, the bets that are made go awry. Why is that? Well, a fund says: You know what, there is a huge new opportunity in Russia, for example, because the price of oil is going up and they have a lot of oil they want to develop. They are changing their rules and there are new opportunities for business to thrive and take advantage of those new rules. So they invest in Russia, but something goes wrong and the price of oil drops and their investments blow up—suddenly, the investment fund blows up.

If that investment fund is by itself, it doesn't really hurt the rest of the economy. As long as it is by itself and not systemically so large that it poses a huge risk to the rest of the economy, and it goes bust, the investors simply lose their money. No harm done. But if it is inside of a bank, now you have a problem because when that goes bust, the bank is responsible for the responsibilities of that fund, and the result is that the bank goes down.

We saw that Citibank went down. We saw so many other big banks—when I say "went down," I mean they had huge losses. Citibank is still alive. I know the folks in South Dakota will be happy to know that. They had huge losses, and the former chair of Citibank believes we need to separate the high-risk investing and the function of depositing, accessing money through the Fed, and making those loans to our families and small businesses so they can thrive. It is a separation between two functions.

I would be happy to yield to my colleague if he wants to explain why he is objecting to having a debate on the floor of the Senate that is a debate that is so important to the success of our small businesses, so important to the success of our families, that is so important because we should have learned over what happened in the last 2 years that if these two functions are combined, they hurt each other. Why would we not want to debate the diversion of money out of the hands of our small businesses and into Wall Street? I would yield if my colleague across the aisle would like to say why he is objecting to having this debate tonight. If he would like to jump up later and explain it, I will take that comment at that time.

We cannot do our job here in the Senate if a Senator blocks the debate of issues that are important to the success of our Republic. We cannot do our job here in the Senate if a Senator blocks the debate of issues that are important to our families. We cannot do our job if folks, on behalf of Wall Street giants, come to the floor and object to the debate of fixing our financial system so our small businesses can thrive.

I can tell you this: Back home, people know that this body helped out the biggest corporations in America last year in a very difficult time for them, when many of them would have gone bust. They want to know why this body, tonight, is unwilling to debate changes in the law that will help the small businesses of America, changes that will help the families of America, debate that will enable us to discuss improving our system so that we can have decades of solid growth in the years ahead. Why should Wall Street veto a debate in this body tonight for Main Street? I can't explain that to the folks back home.

I can't explain to the folks back home that we have an amendment that has been carefully worked on for months; that there are colleagues on both sides of the aisle who wanted to have this debate; that we have an amendment that was worked on very carefully with experts from Wall Street to make sure we got it right; that we have an amendment about which the Treasury Department called in experts, brought them in through meetings and said: Here is the challenge, here is what you need do and how you can fix it. How do I explain to them that, with all that work, we could have a rational debate. But it isn't going to happen because Wall Street is asking colleagues to block the debate for the American people. Why is Wall Street winning and Main Street losing tonight? I would like an explanation. The American people would like an explanation.

Another piece of this bill says that nonbank financial organizations—by this, you can simply say hedge funds and equity funds, funds that pool money and make risky investments—that if they are so large, they pose a risk to the economy as a whole, then the regulators can add additional capital requirements, so they have to set aside more dollars for every dollar they invest.

Two years ago, the SEC lifted the capital requirements on the largest five investment banks in America. Bear Stearns went from 20-to-1 leverage to 40-to-1 leverage in 1 year. What do I mean by that? For every dollar they set aside in case investments went bad, they invested $20. So you only had to have a 5-percent drop in value to wipe out what they set aside. At the end of the year, they got 40-to-1 leverage, and that meant for every $100 invested, they only had $2.50 set aside, and you only needed 2.5 percent reduction in investments to go bust. What kind of regulation system would allow 40-to-1 leverage?

Should we not have a debate on the second main piece of this amendment, which says that regulators, when you have a systemically significant firm, can increase the leverage requirement, increase the capital set aside, so that firm is not operating in a way that it can bring down our economy or punch a huge hole in our economy?

So the first part of the amendment says that high-risk investing is wonderful for allocating capital but do it away from our lending system so that our small businesses and our families can have access to a steady flow of capital, so that capital will not be frozen when investments go bad.

The second part of the amendment says: Give the regulators the power to increase the capital requirement when they are large and can tear a big hole, so if they do crazy, risky things and they lose, they do not hurt the rest of the economy. I think it is common sense. Why is that debate so scary to my colleagues who are objecting to it tonight?

This is not about whether the amendment wins. We offered tonight to have this vote with our arms tied behind our back and one leg. What do I mean by that? We offered to have this vote tonight with a 60-vote requirement, even though a number of Democratic Senators are missing—a supermajority requirement so that we can have a debate on Main Street about Main Street, about Main Street working better. But Wall Street asked colleagues to block this debate. That is wrong.

The third part of this amendment says we need integrity in writing securities. This is the superb work of my colleague, Senator LEVIN. I know he will expand on it in due course. But here is the thing. A system with integrity is good for allocating capital efficiently because people want to invest in a system that has integrity. When we established the Securities and Exchange Commission to oversee the stock world, people gained more faith that the system was not rigged. They were more willing to buy stocks and, by that fashion, invest their moneys in the companies of America, build those companies. The success of those companies was good for our families—our working families—and the jobs that went with them.

But now in securities, we have a very opaque, a very dark market where only a few companies have control of the information and people do not know what the price point is, and they do not know what the details are. We have swaps being written where if you participate in it, you do not even know who is on the other side of the deal. There were folks doing deals with middlemen on Wall Street, and they did not know who the insurer was. They did not know it was AIG on the other side of the deal. When you buy insurance, you want to know who the insurer is. They could not get access to that information.

In securities, here is the thing. Right now, we have companies that while they are designing and selling securities also are betting against the success of those securities. I must say, that does not instill much confidence in the integrity of the system.

I ask my colleagues, and I ask the citizens of this country: Would you like to buy a car from someone who would not tell you whether they installed brakes and who was taking out an insurance policy on your life; they are betting you are going to get in a wreck? You would say: No, I would not want to buy a car from someone who is not telling me if they put in the brakes and is taking out a life insurance policy on my life. I would be scared to death to buy that car.

The story goes on. Would you buy a loaf of bread from someone who would not tell you what the ingredients were and you do not know if it is a good loaf of bread, and they are taking an insurance policy out on your life? You would be worried about the ingredients in that bread.

That is the problem we have in the securities world. It is a very simple approach that Senator LEVIN has laid out in which it calls for integrity in securities. If you are designing and selling them, you do not bet against them.

There are all kinds of details that have been put into these three parts of the amendment to make them work. Actually, there is nothing in this amendment that is very far outside a core set of issues being considered. Modern bank holding companies do a lot of things. They do wealth management. They do broker dealers in securities and other financial products. They do market making where they help bring together this group that wants to buy and this group that wants to sell. They make loans to power up our families and our small businesses. All those functions continue in our bill.

But amidst that set, there is one thing that is being carved out, and that one thing is high-risk investing. When Merrill Lynch blows up, you do not want it to take down Bank of America. Two years ago, Merrill Lynch blew up. It would not have taken down Bank of America because it was not in Bank of America. But it is today. It is a riskier system we have today than 2 years ago.

We should have a debate about this on the floor of the Senate. Bear Stearns, 2 years ago, was by itself. But now it is part of JPMorgan Chase. If Bear Stearns, 10 years from now, makes investments that go awry and it goes down, it blows up a major lender. These types of bankruptcies need to not be a situation where they send shock waves and paralyze our economy. So common sense: more collateral, if you are a huge investor, set by regulators at a rational level with appropriate hearings. That high-risk investing, do it under a different roof so if it blows up, it does not affect lending, and those securities—a little bit of integrity in the marketing of securities.

These are simple ideas. These are commonsense ideas that will make our financial system work better for everyone, making it more feasible for our small businesses to gain access to credit, making it more feasible for our families to gain access to credit, making it less likely that a major disruption in investing is going to freeze up those loans and the result is that credit lines are being cut so they cannot expand business and cannot hire.

That is where we are now. We are frozen. In mortgages, we do not have a functioning securities market right now. It is important because banks make loans and then they sell them on to the market. But they can only sell them if the market has somebody to sell to. Right now investors are leery, and they should be leery when there are these conflicts of interest that the good work my friend from Michigan has done addresses.

This debate should happen. It is wrong for a Senator to object to the people of the United States having their day to talk about a financial system that works for small businesses and works for families.

I know my colleague from Michigan is prepared to expand on the work he has been doing. At the close of my remarks, I wish to thank many of my colleagues who have been immersed in this effort to design a better financial system. Senator DODD and his team on Banking have been working night and day looking at every angle to get this amendment right. My friends at Treasury—I cannot tell you how many nights they have been up working, consulting with folks who are deep in the industry, to understand what works and does not to get this right. Senator LEVIN's team and my team have been working so hard in consulting and facilitating and writing and rewriting so we could have this debate in a responsible way tonight. We did not want to have a debate where we had an amendment that was illogical or had rough edges that had not been sanded off. We wanted to have a responsible debate.

We may not have had the votes necessary to adopt the amendment. We do not know. That is a mystery. But what we know for sure is that the people of America have been shortchanged tonight by some colleagues at the request of Wall Street blocking consideration of this amendment, and that is not right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent that the cloture vote on the Dodd-Lincoln substitute amendment No. 3739 occur at 2 p.m., Wednesday, May 19; and that Members have until 1 p.m. to file germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Under a previous order, a Shelby amendment No. 4010 and a Vitter amendment No. 4003 were ordered to be called up. I would like to state for the record that those amendments are still in order to be called up and hope that the RECORD will so reflect.

The PRESIDING OFFICER. The RECORD will so reflect.

Mr. REID. Mr. President, months ago, one of the most respected names in finance, Paul Volcker, the former Chairman of the Federal Reserve Board, made a commonsense proposal to protect taxpayers from the risk-taking on Wall Street.

The essence of the proposal was this: Banks that have an explicit or implicit backing from taxpayers, through deposit insurance or otherwise, should not be allowed to make investments for their own profits. Banks can do one or the other, but not both.

The goal of the proposal is clear: We will not let Wall Street bankers take advantage of taxpayers to make themselves rich.

Wall Street should be free to serve their clients, help investors save and allow entrepreneurs to raise the money they need to grow their businesses. But big banks should not be taking exaggerated risks that benefit only themselves and their own pocketbooks.

Our Wall Street reform bill has a provision that reflects this principle. Senators LEVIN and MERKLEY have been working for weeks on a proposal that makes the tough underlying bill even tougher by giving taxpayers additional safeguards.

Their amendment would stop big banks from high-risk speculation and stop them from investing in hedge funds or private-equity funds. It would impose tough capital requirements on the biggest firms that pose the biggest risks to the financial system.

And it prohibits the conflicts of interest that allow Wall Street firms to bet against the very products they sell to their clients.

Mr. President, financial instruments and securities trading are complex. But this amendment is nothing more than simple common sense.

It stops Wall Street from gambling away other people's money with little risk and large reward. It rejects the rules in place today—which are the same rules that were in place when our economy nearly collapsed—rules that let big banks take home their winnings but ask for all us to cover the loses. And it says to those who game the system: the game is over.

If Republicans are serious about learning from the mistakes of the past, they'll join us. If they agree that protecting middle-class consumers, safeguarding families' savings and protecting seniors' pensions is more important than carrying water for Wall Street millionaires, they'll join us. If they don't, it will be clear to the American people who's on their side, and who isn't.

And even if—in spite of all the evidence to the contrary—they still disagree that taxpayers shouldn't be on the hook for big banks' bad bets, I ask them to at least let us have a vote on this amendment, and let the majority rule.

The Levin-Merkley amendment and this larger bill will help prevent future financial crises. They will guarantee taxpayers that they won't ever again be asked to bail out a out bank that doesn't want to take responsibility for its own mistakes. And they will make sure the disastrous recession our families and businesses have endured for the last several years does not get worse, and never happens again.

Mr. INOUYE. Mr. President, the financial reform bill before the Senate includes a section, subtitle J, section 991, that would permit the Securities and Exchange Commission, SEC, to be ''self-funded,'' meaning that the SEC would set its own budget and collect the subsequent fees from the companies the agency regulates. The effect of this action would be to remove a critical oversight role for the Appropriations Committee.

Currently, Congress sets the amount to be collected and the SEC adjusts their fees during the year accordingly. The provision included in S. 3217 allows the SEC to both set the fee level and adjust the fees accordingly, basically creating a carte blanche approach to SEC budgeting.

I, along with eight of my colleagues, including the vice chairman of the Appropriations Committee, Senator COCHRAN, the chairman and ranking member of the subcommittee with oversight responsibilities for the SEC, Senators DURBIN and COLLINS, along with Senators BYRD, HARKIN, VOINOVICH, MURKOWSKI, and BROWNBACK, have introduced a bipartisan amendment to strike the provision from the underlying bill.

No one disputes the fine job Chairperson Mary Schapiro has done since taking the helm of the SEC. But the foundation of our government is based on checks and balances, not personalities. Agencies should not be given sole authority to negotiate the fees that support their operations with the very institutions over which they regulate. Such a situation allows for absolutely no meaningful oversight by Congress.

However, if Congress is going to concede to the SEC absolute control of its billion-dollar budget, then the agency must have effective internal controls in place. Unfortunately, that is not the case. The Government Accountability Office has faulted the SEC several times in the past for weaknesses in this very area.

So the underlying provision will exempt an agency from the appropriations process and its annual congressional oversight without ensuring that any internal controls are in place for revenue and budget management. While it may not be the intent of the underlying provision, what is clear is that spending for the SEC would go unmonitored.

The amendment I and my colleagues introduced would strike section 991 from the bill, and thus restore the existing fee-based system for the SEC. The existing fee-based system is a successful model that has the annual appropriations bill both trigger the collection of the fees and determine the amount that can be spent. This model is used for other fee-based agencies such as the Federal Communications Commission, the Federal Trade Commission, the Patents and Trademark Office, and parts of the Federal Drug Administration.

It is clear that the House of Representatives does not support the approach included in the underlying Senate bill as they did not include a provision for the SEC to be self-funded in their legislation. I have spoken with my fellow cosponsors of this amendment, and we have agreed not to offer this amendment during the current debate. We take this action in support of the managers' and leaderships' interest in wrapping up floor consideration of the measure and because it is clear that this issue will be resolved appropriately during the conference negotiations on this bill.

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I request to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE POOLS OF CAPITAL

Mr. REED. Mr. President, like many of my colleagues, I have several amendments that have been filed. At this moment, it is not possible to call up all the amendments, but I wish to speak to one of them and hope that prior to the conclusion of our debate, I will have the opportunity, and I hope my colleagues do have an opportunity, to call up amendments that are still important to the legislation and deserve consideration by the body.

My amendment would require registration with the Securities and Exchange Commission for private equity funds, hedge funds, and venture capital funds that are larger than $100 million. It recognizes that large pools of capital without any connection to regulatory authority could pose a systemic risk. It is a function, as we found out, in some cases, that if they make erroneous judgments, that could cause a systemic problem.

This proposal has been embraced by a wide cross-section of interested and knowledgeable parties. It has the support of the Obama Administration. It has the support of the North American Securities Administrators Association, who represent State securities regulators. It has the support of the Private Equity Council, the Managed Funds Association, Americans for Financial Reform, the AFL–CIO, and AFSCME. It has broad-based support, and I think it is part of the major effort of this legislation to increase transparency and, as a result, to preclude and prevent fraud, particularly when we are dealing with these large pools of private capital.

Private equity firms' activities can often make or break companies, resulting in a significant loss of jobs. We have seen of the 163 nonfinancial companies that went bankrupt last year, nearly half were backed by leveraged buyout firms.

There are startling examples of companies, going concerns that employ thousands of Americans, that are acquired by private equity companies. Their business model, in many cases, is to leverage that company by borrowing extensively and by using these proceeds to purchase the company and then hopefully to repay themselves handsomely. If they are at a point in which the company is burdened with too much debt, they will either attempt to sell it off or they are forced into bankruptcy. The result, unfortunately, in many cases, is thousands of working men and women in this country lose their jobs. The company goes bust. There is nothing left.

This behavior has to, at least, be on the radar screen, if you will, of the regulators. They have to know that these funds above $100 million are operating. There are many other examples we can cite.

The bill before us has one category. That is hedge funds. We have to recognize there are other major private pools of capital, venture capital funds and private equity funds that should also have to register. The other thing we have to recognize is that the regulatory capacity of any agency is limited. What we have seen over the last several years is a situation where regulators may have had the authority, but they did not have the resources, or they saw situations where certain activity was regulated and other activity was not.

What this amendment argues for is to ensure that we recognize both the potential dangers of large pools of private capital and the limitations of regulations to really differentiate between the pools. That is why the amendment I propose provides no categorical exemptions for these private pools. The rationale is that I do not think, frankly, the regulators can keep up with private funds that can describe their business plan in a way to qualify for an exemption but very well might be conducting the same type of behavior that causes concerns. So I have suggested, and it has been supported by a wide number of individuals and institutions, that we provide this broad-based registration requirement—firms above $100 million would be required to have Federal registration. That is something, I think, that is important. Therefore, we have proposed the amendment.

The investors in these firms deserve, I think, our protection as well. The benefits to the financial system outweigh, in my view, the modest associated costs, and as a result I think we could and should move forward. Many of these firms, frankly, if you have $100 million under management or for investment, and if you don't have good financial controls, I think we have to ask ourselves: Should these firms be operating? Should they be allowed to continue to operate?

The second aspect of this, too, is that the infrastructure of compliance—the infrastructure of risk management—is built into these firms. If it is not, frankly, we should ask: Why are they still doing business? The cost of registration—and this is simply registration; simply telling the Federal regulators, the SEC, that we are doing business like this; we have a certain amount of assets under management or investments that we are managing, and several other items of basic information—has been estimated to be rather modest compared to the money under management and the other operational expenses of these firms.

So again, I think this is a valuable amendment. It is a valuable amendment that reinforces the basic tenets of this legislation—transparency, accountability, and giving our regulators an overall view of the financial situation—the money that is there, the types of business activities that are there—so that they can develop appropriate information for their regulatory endeavors.

The other point I would make is that if we were to stop the camera today and look at the financial scene, we might make judgments that, well, this entity is not very large, this particular entity doesn't do the type of business, et cetera. With the dynamism of our economy, which is a value, going forward 2 or 3 years, those firms could change dramatically, and something that seemed innocuous today could be systematically risky in the future. It might be called the same thing, but its functions are different.

I make a final point in this regard. In some respects, legislation that was considered here in the 1990s looked at derivatives, looked at securitization as a phenomenon that would be static and that wouldn't change. But we know it changed, and it changed in a way the regulators didn't anticipate and weren't prepared to anticipate. So mortgage funds in the 1990s were based on those old-fashioned 20 percent down, a FICO score of 680, income sufficient to amortize the mortgage over the lifetime. The mortgages they were securitizing in 2005–2006—no money down, no income statement, liar loans, et cetera—was a different product. And yet we legislated for products and for business entities that transformed dramatically in the subsequent years.

We have to provide our regulators with the flexibility to not only deal with the problems of today but to fairly anticipate a dynamic and changing financial situation. That is at the heart of this legislation also. So I hope we have an opportunity to further debate this and to offer it and to ask colleagues for their consideration.

With that, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I want to briefly come to the floor to talk about what happened here today. We saw the long arm of Wall Street come to the Senate and reach right into this Chamber. It should not have happened. We all should have learned the lesson as to what Wall Street plunged us into. And the idea that Wall Street could do this, through a number of Republican Senators who objected to our even coming to a vote on the so-called Merkley-Levin amendment, is nothing less than shameful. But that is what happened.

We have been going back and forth, a Democrat and a Republican amendment, and it came time for Senator DODD, who is a cosponsor of Merkley-Levin, to offer this amendment, to bring this up to the floor, and it was rejected. It was rejected by the Republican leadership acting through the manager of the bill.

This amendment has been worked for many days. We have attempted very hard, and succeeded in addressing a number of concerns which were raised, but what we insisted upon and will continue to insist upon and will not yield on is our determination that banks not engage in risky bets. Our commercial banks have access to the Fed window. That is taxpayer money. Our commercial banks have access to the Federal Deposit Insurance Corporation. It guarantees that the accounts will be paid. We cannot permit—we cannot allow—banks to engage in risky bets and then expect to be bailed out by taxpayers. That happened to us. It got us into big trouble. We are in a deep recession as a result of what the Wall Street banks did.

There were a lot of other contributors. They were not alone. Our subcommittee hearings were prepared over many months. In fact, the investigation lasted about a year and a half, with millions of documents that were subpoenaed and brought into the subcommittee's offices. What our hearings showed is that upstream we had a number of banks and mortgage companies that were willing to package bad loans, in many cases loans that they knew were fraudulent, and in some very serious cases loans that they knew were likely to go into default. Nonetheless—and the e-mails show this—those upstream banks decided they were going to bundle these mortgages—these dubious risky mortgages, many of which were likely to default—they were going to securitize these mortgages and ship them downstream, where Wall Street was panting for these bundled securitized mortgages because then they were going to slice them and dice them and cut them up into these collateralized deals, which were so complicated and very difficult to explain to the public.

Nonetheless, what happened is the public took a bath, and a number of firms on Wall Street did very well, including Goldman Sachs. It did extremely well through their dealings. Some of the e-mails from Goldman Sachs show how well they did, while everybody else was losing their homes, losing their jobs, and most banks were losing money. In one of their e-mails Goldman Sachs said:

> Much of the plan began working by February as the market dropped by 25 points and our very profitable year was underway.

So the market dropped 25 points and the profitable year at Goldman Sachs was underway. Why? Because they bet against their own clients.

As Senator MERKLEY pointed out—and he has been a real pleasure to work with as a partner—we had a situation here where Goldman Sachs was selling billions of dollars of securities—many of which they knew contained bad assets, and their own e-mails show it—selling to their clients with their right hand and with their left hand betting heavily against those same securities. The way they bet against them is a complicated story—going short, betting short, the big short, using those default swaps, which were described earlier on the floor of the Senate. But they were making a lot of money out of the losses of their clients.

What added insult to injury—the injury was the conflict of interest and betting against something they were selling, and not even disclosing that fact, by the way, to their clients and customers. But the insult that was added was when their own e-mails, over and over again, show that their own salespeople were describing these securities that they were selling to our pension funds and our educational institutions as junk and worse. That is the insult. The underlying injury is the conflict of interest.

Our amendment, as the Senator from Oregon described, goes after the proprietary trading, which is highly risky, in one part of the amendment. Another part of the amendment goes directly at the conflicts of interest which were exemplified by what Goldman Sachs did. Then they tell us in the Permanent Subcommittee on Investigations: Well, that is the way Wall Street does business. You just don't understand.

Well, Main Street understands. We understand the values that Wall Street exemplified in these last years by selling junk to clients and then betting against them. We understand very well what went on, because we, the people of the United States, ended up paying for those bets. When they won the bets, they made out like bandits. Wall Street—Goldman Sachs—won many of those bets because they bet against the very securities that they thought were dubious. But there were also a lot of banks that lost bets, that didn't do what Goldman Sachs did, but nonetheless got stuck with these bad securities. And what happened then? Because of the proprietary trading of those banks and risky securities, they ended up losing a lot of money and the taxpayers had to bail them out.

So the taxpayers of this country lose either way. Our pension funds, our educational institutions lose out to a Goldman Sachs, with their conflicts of interest against their own clients—essentially dealing with themselves as a client against the interest of the person they were selling securities to. You have the Goldman Sachs on the one hand making a lot of money that way. You have the banks, which lost money because of those risky bets on the other side of the bet, ending up being at the public trough and having to be bailed out because they were too big to fail and would have plunged us even more deeply into a deeper recession or a depression had they not been bailed out.

We are trying to prevent that from happening again. The Merkley-Levin amendment is trying to go right to the heart of that problem, and that problem is a very deep one, involving the examples which the Senator from Oregon I believe cited but, if not, let me very briefly summarize. Wall Street has attempted to argue that proprietary trading, which our amendment would seek to end in a very thoughtful way, without hitting the kind of activities that are client oriented, that should be allowed—Wall Street has attempted to argue that proprietary trading was not a significant factor in the downfall of our financial system. The numbers here tell a very different story.

By April of 2008, the Nation's largest financial firms had suffered $230 billion in losses based on their proprietary trading. So by the end of 2008, taxpayers put up hundreds of billions of dollars in so-called TARP funds to avoid the collapse of our economy. One example of the damage here: In 1998, Lehman Brothers had $28 billion in proprietary holdings. Less than 10 years later—2007—its proprietary holdings had soared more than 10 times to $313 billion in those kind of high-risk bets. When the values of the holdings declined in 2007 and 2008, Lehman Brothers then lost $32 billion. Those losses exceeded Lehman Brothers' net worth. By September of 2008, the firm collapsed in the largest bankruptcy in our history.

That is what we are trying to prevent a recurrence of in our amendment. And what happened? Because the Republican leadership decided they would use a parliamentary approach here to stop Merkley-Levin from even being offered, we have been unable to get the remedy for that kind of a catastrophe happening again to the floor of the Senate for a vote.

That is a tragedy which is lying in wait, if we allow it to exist. So Senator MERKLEY and I—the Presiding Officer now and I—are going to do everything we possibly can in the few hours that remain before the cloture vote to prevent the Republican obstruction from succeeding. We are going to continue to try tomorrow morning to see if we can't get our amendment considered by the Senate. We simply cannot stand by and do nothing. We have seen too many massive costs to the taxpayers.

Another example was with Bear Stearns. Bear Stearns lost more than $3 billion, thanks to an investment of about $30 million in two hedge funds. So the losses at Bear Stearns, because of the leverage they used and were allowed to use under existing law, which we would not allow them to use—their losses were 100 times greater than the original investment that crippled the bank and led to an emergency sale to JPMorgan Chase.

We have to protect depositors and taxpayers from the risk of this high-risk proprietary trading at the commercial banks. We have to protect taxpayers from the dilemma of having to pay for Wall Street's risky bets or watch our financial system disintegrate. We have to protect investors and the financial system at large from the conflicts of interest that too often represent business as usual on Wall Street.

We worked with Senator DODD. As Senator MERKLEY pointed out, Senator DODD and his staff worked very closely with us. Senator DODD supports our amendment. So the chairman of the Banking Committee wants our amendment to be considered, and even he cannot persuade the Republican leadership to not use a parliamentary gimmick to stop us, to thwart us, to stymie us from bringing this remedy to the floor of the Senate.

I thank Senator DODD, Senator MERKLEY, and his staff for working so closely with us. We have worked with the Treasury Department very closely, with the Securities and Exchange Commission closely, to make sure we would fix the problems we target without endangering legitimate market activity or activity that is on behalf of clients instead of on behalf of the banks. A number of our colleagues worked with us to make sure there would not inadvertently be restriction of activities that did not cause and would not cause this kind of financial crisis again. Federal Reserve Chairman Paul Volcker endorsed our amendment, as did business leaders such as John Reed, former chairman and CEO of Citibank, and major organizations for Wall Street reform.

But as we stand here and sit here at 9:30, we are stymied. Unless we can unlock this tomorrow morning, there is going to be a cloture vote later on that day which, unless we can figure out a way to make our amendment germane postcloture, will prevent us from getting a vote on this amendment.

Are we serious about reforming the worst excesses of Wall Street? On this side of the aisle, we are. On the Republican side of the aisle, what we have seen now is obstruction, a decision that has been made that they are going to protect Wall Street instead of Main Street. Wall Street has a long arm and hundreds of lobbyists swarming around this Senate. They are determined to stop us from taking up the Merkley-Levin amendment.

There is going to be a dramatic opportunity tomorrow. There is going to be another effort made to have our amendment considered. At least one effort will be made tomorrow, and maybe more, because it is absolutely essential that the average American out there, the average family, that average business on Main Street that we are trying to make sure has funds available to it for its needs—they are going to be looking, hopefully, at this body tomorrow when a decision is going to be made as to whether the reforms that are so critically important to preventing a reoccurrence of this disaster, this economic disaster, will prevail.

Again, I thank Senator MERKLEY for all he has done, for the huge energy he has put in, he and his staff working so closely with us, with the Treasury Department. I am proud to have the name ''Levin'' come after the name ''Merkley'' in Merkley-Levin. Someday—hopefully it will be tomorrow—we are going to get Merkley-Levin considered by the Senate. It is a sad day when the power of Wall Street can overwhelm and overcome the determination of the American people to reform it, to get that cop back on the beat on Wall Street.

We will know tomorrow morning or tomorrow afternoon very early as to whether Wall Street's effort to thwart this Chamber's majority view that the Merkley-Levin reform be voted on—and a majority that would clearly adopt it—whether Wall Street succeeds or not we will know, at least short term, by about noon or 1 o'clock tomorrow afternoon.

I yield the floor.

TRIBUTE TO RICHARD MOE

Mr. REID. Mr. President, today I wish to recognize Mr. Richard Moe on the occasion of his retirement for the outstanding contributions he has made during his half-century career in American politics and the preservation of our Nation's rich heritage. On May 31st, he will retire as the National Trust for Historic Preservation's seventh president after 17 years of distinguished work and achievement. He will have been the longest serving president since Congress chartered that organization back in 1949 to protect some of the country's most important historic places.

His legacy, however, is not just limited to a litany of successes in the preservation of our most treasured historic and cultural resources. That stewardship alone is an accomplishment beyond measure because of the priceless value these places and objects provide us and subsequent generations of Americans into posterity. In honoring Richard Moe's decades of work, though, I would be remiss if I did not call attention to his great devotion to public service as well. Some of those years were spent right here in the Halls of the Senate when he worked for our esteemed former colleague, Walter Mondale. It would be difficult to understand his deep commitment to the Nation and its heritage, a hallmark of his presidency at the National Trust, without mentioning his dedication to serving the American people through those whom our voters have elected.

A native of Duluth, MN, Richard Moe graduated with a bachelor of arts degree in political science from Williams College in Massachusetts. He began his career in politics as administrative assistant to Minneapolis Mayor Arthur Naftalin in 1961 and then as administrative assistant to Minnesota Lieutenant Governor A. M. Keith until 1966. He studied law at the University of Minnesota and passed the Minnesota State bar in 1967. That same year, he became financial director of the Minnesota Democratic-Farmer-Labor Party, eventually rising to chairman, the second youngest in DFL's history. He held that post until 1972, when he joined the Washington office of Senator Mondale and served as his administrative assistant. In 1977, Richard Moe became Vice President Mondale's chief of staff and a member of President Carter's senior staff where he undertook a number of special assignments on behalf of that administration. Following those years at the White House, he joined the Washington office of the New York law firm Davis, Polk & Wardwell and became a partner.

In 1993, he was selected president of the National Trust and forever changed the face of that important organization. Richard Moe's leadership there has taken the organization and the historic preservation movement into the 21st century. His first goal was to make it financially independent and strong. A major portion of the National Trust's funding used to come from the Federal Government. This is no longer the case. The National Trust now adheres to his more entrepreneurial focus on building relationships with private funders. As a result, and through two capital campaigns, the organization's endowment increased by $200 million during his Presidency.

He has broadened the National Trust's original congressional mandate far beyond the red velvet cords of house museums and brought historic preservation into the full and diverse spectrum of the national public policy arena. When in 1993 the Manassas National Battlefield Park and the surrounding countryside were threatened by an incompatible theme park and commercial development, he rallied such opposition to sprawl, poor planning, and the loss of our country's open spaces that the proposal was defeated.

He has focused his organization's attention beyond the importance of just protecting the historic America we know that was built after Jamestown, and called attention to the earlier cultural and historic treasures of the first Americans on our great public lands. And as our national consciousness has turned increasingly toward protecting our environment and conserving precious resources, Richard Moe has led his organization's role in fostering a more sustainable country under the simple but powerful message that preserving and reusing historic buildings is the greatest form of recycling.

His passionate interest in history and especially the events of the Civil War led to a deep and personal commitment to the restoration of President Lincoln's Cottage just 3 miles north of this Chamber. Now, solely as a result of Richard Moe's vision, this once forgotten "Camp David" of President Lincoln, where one of our most respected and celebrated Presidents lived and worked, is open to the public for the first time.

In the midst of all these accomplishments, Richard Moe wrote a Civil War history in 1993, "The Last Full Measure: The Life and Death of the First Minnesota Volunteers," and coauthored "Changing Places: Rebuilding Community in the Age of Sprawl" in 1997.

In 2007, he was awarded the National Building Museum's Vincent Scully Prize, which recognized his leadership in moving historic preservation into the mainstream of public policy and expanding the public's awareness of our heritage's stewardship. That same year he also received the American Historical Association's Theodore Roosevelt-Woodrow Wilson Award for Public Service. Let me add to the many acknowledgements such as these my gratitude to Richard Moe and that of the entire Senate for his indelible contributions to our American political life and for his unceasing care for our national heritage. I know that even in retirement, he will continue to serve the people of the United States and I wish him well.

HONORING OUR ARMED FORCES

LANCE CORPORAL JOSHUA M. DAVIS

Mr. GRASSLEY. Mr. President, I rise to recognize the sacrifice of a brave young Iowan, LCpl Joshua M. Davis, who died from wounds he received while supporting combat operations in Helmand Province, Afghanistan. He was 19 years old. Josh's loss will be felt very deeply in his hometown of Perry, IA, where his drive and leadership skills were recognized early on as a member of the football and wrestling teams and SkillsUSA. He was determined to serve his country and joined the Marine Corps right after high school, even graduating a trimester early to start basic training. Accounts describe Lance Corporal Davis as humble, but his sense of patriotism and service humbles me and makes me proud to be an Iowan. Learning about the life of this remarkable young man makes the knowledge of his tremendous sacrifice all the more poignant. My thoughts and prayers will be with his family at this time, including his father Dave, his mother Beverly, and all those touched by his loss. I cannot adequately express the debt of gratitude we owe, but I ask all Senators to reflect on, and pay tribute to, the life of a great American, LCpl Joshua Davis.

IN SUPPORT OF JUDGE EDWARD CHEN

Mr. INOUYE. Mr. President, I rise to speak in support of Edward Chen, nominee for Federal judgeship in the United States District Court for the Northern District of California. Judge Chen has been a respected Federal magistrate judge for over 8 years. He is held in high regard by his judicial colleagues and by the attorneys, litigants, and witnesses who have appeared before him, including non partisan prosecutors and law enforcement officials. Judge Chen has issued hundreds of rulings in accordance with the rule of law, and without bias or unfairness. He has facilitated the fair settlement of hundreds of cases, ranging from complex business disputes to civil rights claims. For these reasons, Judge Chen received the highest possible rating of ''well qualified'' from the American Bar Association.

Given his wide support from the legal community, and his record of fairness, what could prevent the U.S. Senate from confirming this outstanding jurist's appointment to the District Court of the Northern District of California?

I am in the opinion that nothing should prevent it. But elements of the extremist media have launched cynical attacks against Judge Chen. Unarmed by facts, accusers resort to tired smears that Judge Chen is a ''radical leftist,'' someone ''who doesn't appear to love America.''

But these charges are completely without basis. Those interested in the true picture of Judge Chen's work and outlook need only look at his actual 8-year record on the Federal bench. I believe that this record is exactly where discussions of his nomination should focus in our Senate Chambers, where good judgment should prevail. Judge Chen has written over 300 published opinions, and what those opinions show is a judge who is committed to the rule of law. He follows case precedent. He checks any personal views at the courthouse door, and rules impartially in each and every case. His decisions reveal a belief in fairness to all.

Judge Chen, like so many others, values diversity in the Federal judiciary. Judges from different backgrounds bring varied life experiences to the court, and this diversity of background and experience helps foster balanced and accurate decisionmaking according to the rule of law.

Judge Chen's belief in the value of diversity is joined also by Supreme Court Justice Samuel Alito. During his 2006 confirmation hearing, Justice Alito stated, ''When I get a case about discrimination, I have to think about people in my own family who suffered discrimination because of their ethnic background or because of religion or because of gender. And I do take that into account'' in reaching balanced and accurate decisions. Justice Clarence Thomas underscored this very point in his statement about the importance of broad representation in the judiciary: ''My goal is to have a court that is fair, and I think it's fair when we are fair in selecting people from all parts of the country, from all walks of life.''

I believe Judge Chen brings valuable experience and a solid record of judicial fairness to the Federal court. He is faithful to the rule of law. He is committed to impartiality and equality for all. I believe that upon fair and honest consideration by my Senate colleagues, Judge Chen and his judicial record will earn approval. Judge Chen has my full support and deserves to be confirmed by the Senate without delay.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to Senator MCCONNELL dated May 18, 2010, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
MAY 18, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 1741, the Witness Security and Protection Grant Program Act of 2009. In short, although I support the goals of this legislation and believe that witness security and protection is essential to the effective administration of justice, I do not believe that the federal government bears responsibility for witnesses in state and local courts. My concerns about H.R. 1741 include, but are not necessarily limited to, those outlined in this letter.

As you know, I am extremely concerned about the Nation's fiscal well-being. The national debt is nearly $13 trillion and rising, which amounts to almost $42,000 owed by each U.S. citizen. Moreover, Congress recently raised the national debt ceiling by nearly $2 trillion, and the federal government borrows 41 cents for every dollar that it spends. This dire situation demands that Congress address its spending addiction and adhere strictly to the enumerated powers defined by Article I, Section 8 of the U.S. Constitution.

Providing basic services such as witness security and protection in state courts is the obligation of the states. Budgets everywhere are tight, but state and local governments—like the federal government—must set priorities and eliminate wasteful spending in order to ensure that the highest responsibilities are fulfilled.

Although the Nation's debt crisis demonstrates that Congress no longer has the luxury of funding anything other than the highest federal priorities, I would note that federal dollars are already available for the same purposes contained in H.R. 1741. Those funding sources are as follows:

Edward Byrne Memorial Grant Programs—One of the seven permissible purposes of Byrne/JAG funds is ''crime victim and witness programs'' (P.L. 109162). Significant amounts of federal dollars are available through this program. In FY2009, Congress provided more than $2.5 billion in JAG funding, and in FY2010, Congress provided $519 million for the same programs. In addition to this JAG funding, which is awarded on a formula basis, Congress provided a total of $178.5 million in FY2009 and $185.3 million in FY2010 in Byrne ''discretionary'' funding. This money, totaling $363.8 million, was awarded in the form of congressional earmarks. Competitive funding was limited to $30 million in FY2009 and $40 million in FY2010. In total, the federal government sent approximately $3.4 billion to state and local law enforcement through Byrne grant programs in the last two fiscal years alone. To the extent that states need federal funding for witness protection and security, it would seem that there is ample funding available and that they should consider prioritizing such projects in their requests and budgets.

U.S. Marshals—Current law, 18 U.S.C. §3521, authorizes the Attorney General to provide for relocation and other protection of state witnesses, as well as their family members or close associates, in certain circumstances. That law allows the Attorney General to provide relocation and other protection for state witnesses, as well as their family members or close associates, where there is concern for a witnesses' safety. It allows for, but does not require, reimbursement by the State (18 U.S.C. 3526(b)(1)).

Community-Based Justice Grants for Prosecutors Program—Existing law, 42 U.S.C. §13862, already authorizes federal grants for state and local governments to ''create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.'' This authorization, enacted in 2008, has never been appropriated. Although it remains my belief that Congress lacks both the resources and the responsibility for funding such programs, it should be noted that the statutory authority to provide for state witness protection already exists.

I regret that I am unable to support H.R. 1741. Again, I share concerns for the safety of citizens who participate in our justice system. I believe, however, that the Nation's skyrocketing debt demands that Congress make tough spending choices. Where responsibility lies with state and local governments to provide a service, and especially where federal money is already available, I cannot consent to spending additional taxpayer dollars for the same purpose.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

NATIONAL HEPATITIS AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Hepatitis Awareness Month to raise awareness of this public health threat and encourage greater prevention, diagnosis and treatment efforts.

Viral hepatitis is a highly infectious disease that directly attacks the liver and, if left untreated, can lead to life-threatening cirrhosis of the liver, liver failure and liver cancer. The Centers for Disease Control and Prevention—CDC—estimate that roughly 5 to 6 million Americans are infected with viral hepatitis. Yet these chronic infections are silent killers, as those who are infected experience no obvious symptoms until advanced liver damage has occurred after years without treatment. Consequently, up to 50 percent of Americans infected with hepatitis B and 75 percent of Americans infected with hepatitis C are unaware of their disease. Without appropriate screening and management of the disease, viral hepatitis carriers can pass on the infection to others before suffering a premature death from liver cancer or liver disease.

Similar to the human immunodeficiency virus—HIV—hepatitis B and C are spread through infected blood and needles. Despite awareness campaign efforts from advocacy groups and the CDC, there continues to be nearly 50,000 new infections each year in the United States, resulting in 15,000 deaths from chronic viral hepatitis-related diseases. While continued education and outreach is vital to discourage risky behaviors that expose individuals, it is only one part of preventing further spread of hepatitis.

Perhaps most disturbing is the incidence of hepatitis B and C transmission occurring in healthcare settings from exposure to infected blood or the reuse of contaminated syringes. According to the CDC, unsafe injection practices are one of the leading causes of infections in healthcare settings. Although most healthcare workers are aware of the dangers and strictly follow safety guidelines when administering injections, outbreaks of hepatitis in recent years have shown the continued need for awareness, education, and stringent safety practices in healthcare settings.

Chronic liver disease is among the top ten killers of Americans and hepatitis C accounts for 40 to 60 percent of all cases. While there is a safe vaccine for several types of viral hepatitis, no vaccine exists for hepatitis C. It has been identified as one of the most significant preventable and treatable public health problems facing the United States. Clearly we must continue to increase awareness of the disease to prevent new infections, encourage screening and tests, and link those that are infected with the care they need.

It is my hope that awareness efforts throughout the month of May will bring to light the significant and silent health threat of hepatitis, encourage appropriate screening and management of the disease, promote vigilant safety practices in healthcare settings and prevent further transmissions of the disease.

HIV VACCINE AWARENESS DAY

Mr. COBURN. Mr. President, I rise today to express grave concern regarding the misplaced priority of annually deeming this day, May 18, HIV Vaccine Awareness Day. This year marks the 13th annual observance of a day that epitomizes our government's inability to set priorities with the Federal dollars this body is entrusted.

According to the National Institute of Allergy and Infectious Diseases, NIAID, Web site:

> This annual observance is a day to recognize and thank the thousands of volunteers, community members, health professionals, and scientists who are working together to find a safe and effective HIV vaccine. It is also a day to educate our communities about the importance of preventive HIV vaccine research.

As a practicing physician and former cochair of the Presidential Advisory Council on HIV and AIDS, I believe the development of a safe and effective HIV vaccine should be among our Nation's highest health care priorities. HIV/AIDS continues to devastate communities in the United States and around the world. In the United States, more than 50,000 people become infected with HIV each year. Approximately 40 million people are living with HIV around the world, with more than 5 million new infections each year. To date, more than 25 million men, women and children are believed to have died from AIDS worldwide.

Unfortunately, we have not yet developed an effective HIV/AIDS vaccine—nor are we close. At a time when our national debt is approaching $13 trillion and patients suffering from HIV/AIDS are being put on waiting lists for life-saving drug treatments, we simply cannot afford to misspend $1 million a year to make people aware of a nonexistent vaccine.

Furthermore, this well-intentioned propaganda campaign is being funded at the expense of HIV vaccine research itself. Regardless of the intentions, the unfortunate fact is that finite resources intended for HIV vaccine research are being siphoned away for a project without any potential scientific benefit. With no effective vaccine likely anytime soon, it seems silly, or worse, to waste funding that could be much better spent on research or scientific investments that could one day lead to a vaccine.

The discovery of a vaccine or cure, after all, would be the best way to thank the researchers and volunteers. As every cent counts in this endeavor, it is unconscionable that precious dollars are being squandered by NIAID's well intentioned but unnecessary public relations campaign.

Between 2001 and 2005, NIH spent more than $5.2 million on this ''HIV vaccine awareness'' campaign, not including staff time or travel expenses. It is reasonable to assume that the federal government continues to waste over $1 million annually on HIV vaccine awareness, despite the fact that no vaccine exists and scientists believe that it is unlikely that a HIV vaccine will be developed anytime soon.

Some of the HIV Vaccine Awareness Day events supported in the past include various lunch and dinner receptions, a fashion show in Massachusetts, a bar night in Tennessee, a bar event and entertainment contest in Washington, and other gatherings and media events. Clearly, this awareness campaign serves no obvious public health or scientific value.

There is no doubt, however, that development of an HIV/AIDS vaccine should be a national priority. HIV/AIDS continues to devastate communities in the United States and around the world. At least 56,000 Americans become infected with HIV each year. More than 33 million people are living with HIV around the world, with more than 2.5 million new infections each year. To date, more than 20 million men, women and children are believed to have died from AIDS worldwide.

The development of a safe and effective HIV vaccine should be among our Nation's highest health care priorities. It imperative that not a single dollar of the Federal funds set aside for the development of an effective HIV vaccine is wasted.

This year, Dr. Anthony Fauci, head of the National Institute of Allergy and Infectious Diseases, NIAID, highlighted what he called ''significant progress in HIV vaccine research during the past year.'' The study he referred to was a clinical trial in Thailand finding a vaccine to be 31 percent effective at preventing HIV infection. Unfortunately, the results of this study have been found to be statistically insignificant and the findings of the study have received much skepticism. This latest clinical trial is the latest in a long line of promising but unsuccessful attempts at creating an HIV/AIDS vaccine.

Dr. Fauci in recent years has conceded publicly that no one has been very close to developing a vaccine that would prevent infection. Over the past 5 years, in fact, two large clinical trials of HIV vaccines have failed to demonstrate efficacy of the candidate being tested. The disputed Thailand trial aside, this is still the case today.

Most scientists involved in AIDS research believe that an HIV vaccine is further away than ever and some have admitted that effective immunization against the virus may never be possible, according to a survey conducted released in 2008.

A poll of scientists reflects the declaration made at a NIH ''summit meeting'' in 2008 that was ''tantamount to an admission that almost no progress has been made in the search for an AIDS vaccine in the past 25 years and that something close to new start is necessary.'' The government scientists announced that ''more of their budget needs to be spent on basic lab research and less on testing the current crop of vaccines, none of which has proved useful in human trials.'' In light of these failures and daunting prospects, Dr. Fauci pledged to re-evaluate the use of all $1.5 billion his agency spends on AIDS noting that ''we are going to have to justify what we are doing.''

Dr. Anthony Fauci has noted that while Federal funding for the National Institutes of Health, NIH, continues to increase, it will not increase as quickly as it has the past decade, and as a result, NIH must concentrate on more promising research. Fauci said the heads of NIH institutes such as his had been told to reexamine the entire research portfolio to ensure ''the most bang for the buck.'' The AIDS vaccine candidates that don't show early results in clinical trials could be shut down, he said.

That may mean cutting back some AIDS vaccine research even though virtually all health experts agree a vaccine will be the only way to stop the pandemic of a virus that is incurable, always fatal and that continues to spread worldwide and in the U.S.

As I have done in the past, I am sending a letter today to the Secretary of Health and Human Services to inquire about this misuse of funds. It is my sincere hope that the Department of Health and Human Services will cease spending Federal dollars on this misplaced priority and reinvest these HIV/AIDS dollars into actual research or care.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter dated May 18, 2010, to Secretary Kathleen Sebelius.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
Washington, DC, May 18, 2010.

Hon. KATHLEEN SEBELIUS,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: As a practicing physician and former co-chair of the Presidential Advisory Council on HIV and AIDS, I believe the development of a safe and effective HIV vaccine should be among our nation's highest health care priorities. HIV/AIDS continues to devastate communities in the United States and around the world. In the United States, more than 50,000 people become infected with HIV each year. To date, more than 25 million men, women and children are believed to have died from AIDS worldwide.

During this time of fiscal restraint when our nation is faced with an approximately $13 trillion national debt and over 1,000 individuals on waiting lists for life-saving HIV/AIDS drug treatments, we must be careful that not a single dollar that could pay off this debt or serve some other vital service—such as developing an HIV vaccine—is diverted for less important purposes.

According to the National Institute of Allergy and Infectious Diseases (NIAID) website, May 18, 2010 marks the thirteenth annual HIV Vaccine Awareness Day: ''This annual observance is a day to recognize and thank the thousands of volunteers, community members, health professionals, and scientists who are working together to find a safe and effective HIV vaccine. It is also a day to educate our communities about the importance of preventive HIV vaccine research.''

In addition to my concern that these funds are diverted from the more important goals of developing a vaccine or providing care to patients in need, HIV Vaccine Awareness Day has been marked by specific examples of wasteful spending. In the past, related expenditures have included various lunch and dinner receptions, a fashion show in Massachusetts, a bar night in Tennessee, a bar event and entertainment contest in Washington, and other gatherings and media events.

Would you please provide:

(1) The total amount of federal funding that was spent to promote ''HIV Awareness Day'' in 2010 and for each fiscal year since its inception in 2001, including staff time and travel costs;

(2) If this event is planned for next year please, an estimate of its likely cost;

(3) A list of all organizations that received funding from NIAID as part of ''HIV Vaccine Awareness Day'' since its inception and a description of the activities performed with these funds; and

(4) The total amount NIH has spent on actual HIV vaccine research in each year from fiscal year 2001 through 2010.

Thank you for your attention to this request. I look forward to a prompt reply.

Sincerely,

SENATOR TOM COBURN, MD.

ADDITIONAL STATEMENTS

REMEMBERING MARGARET JOAN MORGAN FOLEY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Margaret Joan Morgan Foley. Mrs. Foley passed away on May 9 at her home in Visalia. She was 87 years old.

Margaret Foley was born in Dawson Springs, KY, on November 5, 1922. After obtaining her registered nursing license at the age of 21 from the Salem School of Nursing, she enlisted in the U.S. Army in the fall of 1943. During World War II, she would serve in the Philippines and Nagasaki, Japan.

Upon her return home, Mrs. Foley settled in Los Angeles where she worked as a surgical nurse at Saint Luke's Hospital. During this period, she met and married James Foley. A person of remarkable character and determination, Mrs. Foley was undeterred by a bout with tuberculosis that required a 23-month stay at a sanitarium in Altadena, as she fought valiantly to full recovery and continued her education at the University of Southern California.

In 1955, the Foleys moved north to Tulare, where Mr. Foley accepted a job as a reporter for the Tulare Advance-Register. Spurred on by a lifelong passion to improve the education, health and welfare of children and the poor, Mrs. Foley generously lent her time and considerable talents to a number of important community causes; the Parent Teacher Association, the Tulare Mental Health Advisory Board, Tulare County Legal Services, Tulare County Health System Agency, and the Porterville State Board Hospital.

In 1969, Mrs. Foley resumed working as a part-time nurse at Kaweah Delta District Hospital. For the next 21 years, she successfully served as a nursing supervisor for neonatal care and eventually becoming the perinatal manager for the hospital until her retirement in 1990.

Mrs. Foley continued her commitment to help those who are less fortunate during her retirement. In 1990, she was elected to the Kaweah Delta Health Care District Board of Directors. For the next 20 years, she would leave an indelible impact on the board through her tenures as its secretary, vice president, and president. As someone who was always willing to lend a helping hand, she also served on the College of the Sequoias Nursing Advisory Committee, the Good Samaritan Board, and as a staff nurse at the Good News Clinic. Mrs. Foley embodied the best ideals of volunteerism and public service.

A person of great warmth and humility, Mrs. Foley was admired by those who knew her for her kindness, compassion and decency. She was the inaugural recipient of the Tulare County Bar Association Liberty Bell Award in 1976, the 1980 Visalia Chamber of Commerce Woman of the Year, 1983 College of the Sequoias Nursing Faculty's Nurse of the Year and, most recently, the 2006 Rose Ann Vuich Ethical Leadership Award, a well-deserved and prestigious award that celebrates excellence and integrity in public service.

Margaret Foley devoted most of her life to making a positive impact on the lives of others. Mrs. Foley's generously gave her boundless compassion and precious humanity to uplifting and empowering those who are most often neglected in our society: the young and the poor. Mrs. Foley has left behind a legacy of service and the admiration of those whose lives she touched over the years. She will be dearly missed.

Mrs. Foley was preceded in death by her husband Jim; her parents William Roderick and Florence Pugh Morgan; two brothers, Roderick William and John Paul Morgan; and a sister Ann Trader Schweiger. She is survived by her children, James and his wife Penelope Applegarth; John and his wife Anne Bird; Morgan and his wife Sandra Platt; Sara Foley Fox and her husband Michael; and Patricia Foley Teaford and her husband Elliott; seven grandchildren; and two brothers, William Radtke and James Trader.•

TRIBUTE TO UNDERSHERIFF VALERIE HILL

• Mrs. BOXER. Mr. President, I am honored to recognize undersheriff Valerie Hill as she retires from the Riverside County Sheriff's Department. Undersheriff Hill, the highest ranking female in law enforcement in Riverside County, has served the people and the county of Riverside for over 30 years.

When Undersheriff Hill joined the Riverside County Sheriff's Department in 1977, she was assigned patrol duties in Lake Elsinore and later worked in the Riverside and Moreno Valley stations. As a sergeant, she served in Corrections and also at the Moreno Valley station. Over the course of her career she has had many other assignments within the Sheriff's Department. As assistant sheriff she was responsible for Corrections Division, Court Services and CAL-ID. Her numerous assignments over the past 30 years have given her the opportunity to become actively involved in the changes occurring in Riverside County.

Undersheriff Hill was the department's first female hostage negotiator, first female field training officer, first female assistant sheriff, and first female undersheriff. She was also one of two individuals instrumental in the development of the Special Enforcement Team (S.E.T.), which is a highly successful enforcement team in Moreno Valley.

Believing that community service extends beyond her duties in the department, Undersheriff Hill serves on numerous boards and committees, which include: Operation SafeHouse (board president), Riverside Area Rape Crisis Center (2006 and 2007 board president), Southern California Jail Managers Association (2006 president), YWCA (Evening of Achievement chairperson), and is an active member of the Kiwanis Club of Riverside. She volunteers two Sunday evenings a month through her church at a ''hot meal'' program that feeds the needy. She believes ''We make a living by what we get but, we make a life by what we give.''

Undersheriff Hill was honored by the YWCA in 2002 as a Woman of Achievement and in 2004 by the Inland Empire Magazine as a ''Woman Who Makes a Difference.'' In 2005 she was presented the Gold Key Award by Soroptimist International and in 2007 she was presented the Lifetime Achievement Award by the Law Enforcement Appreciation Committee (LEAC).

It is my pleasure to recognize Undersheriff Valerie Hill as she prepares to retire from the Riverside County Sheriff's Department, though I hope she continues her fine service to her community.●

TRIBUTE TO ADMIRAL THAD W. ALLEN

● Ms. MURKOWSKI. Mr. President, today I wish to talk about the U.S. Coast Guard and to recognize the 39 years of exemplary service, dedication and leadership that ADM Thad W. Allen has given to the U.S. Coast Guard and the Nation.

Since 1790, the U.S. Coast Guard has been America's Maritime Guardian; the sentinel of the sea, determined to protect the safety and security of the maritime industry. As a multimission military service, the U.S. Coast Guard is unlike any other military branch in the world. The Coast Guard is the fifth branch of the U.S. Armed Forces, the largest component of the Department of Homeland Security, a member of the National Intelligence Community, and the lead U.S. representative at the International Maritime Organization. The Coast Guard is the Nation's oldest, continuous seagoing service and has fought in every major armed conflict the Nation has faced. The service embodies their motto—Semper Paratus—Always Ready. Here to protect and serve; ready to rescue, the Coast Guard routinely is at its best when weather conditions are at their worst. Coast Guard servicemen and women throughout the Nation routinely exhibit selfless sacrifice and enduring service, traits that are exuded by their Commandant, ADM Thad Allen.

Throughout his long and distinguished career, those who have been able to observe and admire Admiral Allen's devotion to the Coast Guard, have been nothing short of inspired by his honesty, integrity, determination, and calming influence even in the face of an impending disaster. We all remember the leadership that Admiral Allen demonstrated as he led the Coast Guard in efforts to secure ports along the Atlantic seaboard after the September 11, 2001 terrorist attacks. Several years later, Admiral Allen was again in the national spotlight while serving as the principal Federal official for the response and recovery efforts in the wake of Hurricanes Katrina and Rita. Through his leadership and the heroic efforts of the men and women of the Coast Guard, over 33,500 gulf coast residents were rescued from their rooftops and flood homes, which included the rescuing of 24,135 people that were saved from eminent peril and the evacuation of 9,409 medical patients to safety. Most recently, Admiral Allen was selected by the Obama administration to be the national incident coordinator, a role that makes him responsible to oversee the Federal response to the Deepwater Horizon oilspill in the Gulf of Mexico.

I have been fortunate enough to work with Admiral Allen on so many issues, including one we are both passionate about, the Arctic. Through his leadership and direction, the Coast Guard is evaluating their role in the Arctic and providing the strongest voice for the strategic and geopolitical importance of the region. Through his astute mind and unrelenting commitment to the betterment of this Nation, Admiral Allen has been an unwavering champion for an expanded U.S. role and presence in the Arctic. While many will argue that as ice recedes in the Arctic, so do the dangers and a Coast Guard presence in the region is not needed. Unfortunately the opposite is true. As the Arctic ice recedes, more commercial shipping, cruise ships and energy companies are increasing their presence, and as a larger contiguous zone and exclusive economic zone are revealed as the ice recedes, the more the jurisdiction of the Coast Guard expands. Admiral Allen, while not engaging in the debate surrounding climate change, clearly understands that more ice-free ocean in the Arctic region means more area that the Coast Guard is responsible for in the Arctic. By championing the National Security Presidential Directive on the Arctic, Admiral Allen was able to host a trip of Bush administration officials to the Arctic so that they were able to see and understand first-hand the conditions and operational challenges that exist in this vast and remote region.

It has been a great honor to have served alongside Admiral Allen and the Coast Guard during his time as Commandant. I have no doubt that he will continue to serve this Nation as a private citizen after his retirement from the service. He has left the Coast Guard on more sound and stable footing than he found it and has been the reassuring face of so many historic events. I, along with the Coast Guard and the Nation, will surely miss him. In the fine tradition of the sea-going services, I wish him ''Fair Winds and Following Seas.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5866. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket Nos. AMS–FV–09–0089; FV10–932–1 FR) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5867. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''a-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-w-hydroxypoly(oxyethylene); Time-Limited Exemption from the Requirement of a Tolerance'' (FRL No. 8824–3) received in the Office of the President of the Senate on May 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5868. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''a-(p-Nonylphenol)-w-hydroxypoly(oxyethylene) Sulfate and Phosphate Esters; Time-Limited Exemption from the Requirement of a Tolerance'' (FRL No. 8826–3) received in the Office of the President of the Senate on May 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5869. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects'' (DFARS Case 2008–D038) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Armed Services.

EC–5870. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases from Federal Prison Industries'' (DFARS Case 2008–D015) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Armed Services.

EC–5871. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Government Rights on the Design of Department of Defense Vessels'' (DFARS Case 2008–D039) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Armed Services.

EC–5872. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Authorization for Validated

End-User Applied Materials China, Ltd.'' (RIN0694–AE86) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–5873. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Modification to the Gulf of Maine/Georges Bank Herring Midwater Trawl Gear Letter of Authorization'' (RIN0648–AX93) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5874. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–AY30) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Threatened Status for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye and Canary Rockfish and Endangered Status for the Puget Sound/Georgia Basin Distinct Population Segment of Bocaccio Rockfish'' (RIN0648–XF89) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Environment and Public Works.

EC–5876. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of California; Legal Authority'' (FRL No. 9152–6) received in the Office of the President of the Senate on May 14, 2010; to the Committee on Environment and Public Works.

EC–5877. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Supervisory Goodwill'' (LMSB–4–1109–042) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Finance.

EC–5878. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 under the Patient Protection and Affordable Care Act'' (RIN1545–BJ46) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Finance.

EC–5879. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2010'' (Rev. Rul. No. 2010–12) received in the Office of the President of the Senate on May 17, 2010; to the Committee on Finance.

EC–5880. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009'' (Notice No. 2010–30) received in the Office of the President of the Senate on May 17, 2010; to the Committee on Finance.

EC–5881. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2009; to the Committee on Finance.

EC–5882. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan for the manufacture of AN/VPS–2 RADARs and associated equipment; to the Committee on Foreign Relations.

EC–5883. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Kingdom in support of the sale of one C–17 Globemaster III aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–5884. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Kingdom for repairs, improvements, modifications, and modernization efforts associated with the WAH–64 Apache helicopters in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–5885. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act'' (RIN0991–AB66) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5886. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on May 13, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5887. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–383, ''Uniform Emergency Volunteer Health Practitioners Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5888. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–394, ''Department of Parks and Recreation Capital Construction Mentorship Program Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5889. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–395, ''Neighborhood Supermarket Tax Relief Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5890. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–396, ''Anti-Graffiti Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5891. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–397, ''Bonus and Special Pay Clarification Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5892. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–400, ''OTO Hotel at Constitution Square Economic Development Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3250. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. A bill to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 3951. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

H.R. 4017. A bill to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. A bill to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. A bill to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. A bill to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. A bill to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. A bill to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. A bill to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4624. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''.

H.R. 4628. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title:

H.R. 4840. A bill to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2874. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

S. 2945. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

S. 3012. A bill to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the Martin G. ''Marty'' Mahar Post Office.

S. 3013. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

S. 3200. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN:

S. 3382. A bill to authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend; to the Committee on Environment and Public Works.

By Mr. DeMINT:

S. 3383. A bill to temporarily prohibit the United States loans to the International Monetary Fund to be used to provide financing for any member state of the European Union, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON:

S. Con. Res. 63. A concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1137

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1137, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1619

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1966

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3178

At the request of Mr. BROWN of Ohio, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3178, a bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3325

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3325, a bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Wyoming (Mr. ENZI), the Senator from South Dakota (Mr. THUNE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3357

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3357, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 3359

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3359, a bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

S. 3366

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3366, a bill to prohibit individuals from carrying firearms in certain airports buildings and airfields, and for other purposes.

S. 3376

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3376, a bill to authorize to be appropriated $950,000,000 for each of the fiscal years 2012 through 2015 to carry out the State Criminal Alien Assistance Program.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. KYL), the Senator from Oklahoma (Mr. COBURN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S.J. Res. 29, supra.

S. RES. 452

At the request of Mr. JOHANNS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 452, a resolution supporting increased market access for exports of United States beef and beef products to Japan.

S. RES. 502

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. Res. 502, a resolution eliminating secret Senate holds.

AMENDMENT NO. 3738

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 3738 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3740

At the request of Mr. SANDERS, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 3740 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3809

At the request of Mr. INOUYE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 3809 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3883

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3883 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3884

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3884 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3892

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mrs. MURRAY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 3892 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3920

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 3920 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3931

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3931 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3951

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3951 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3956

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3956 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 3978 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4027

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4027 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4028

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4028 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4034

At the request of Mr. CORKER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 4034 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4051

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 4051 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4053

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 4053 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 63—EXPRESSING THE SENSE OF CONGRESS THAT TAIWAN SHOULD BE ACCORDED OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Mr. JOHNSON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 63

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating ''The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a High-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that ''a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system,'' and that there should be a commitment to ''foster international cooperation in the field of aviation security and harmonize the implementation of security measures'';

Whereas, on January 22, 2010, the Secretary General of the ICAO stated, ''The attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009 is a vivid reminder that security threats transcend national boundaries and can only be properly addressed through a global strategy based on effective international cooperation.'';

Whereas the Taipei Flight Information Region, under the jurisdiction of the Republic of China (Taiwan), covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually along 12 international and 4 domestic air routes;

Whereas over 174,000 international flights carrying more than 35,000,000 passengers travel to and from Taiwan annually, reflecting its importance as an air transport hub linking Northeast and Southeast Asia;

Whereas a total of 30 airlines, 23 of which are foreign-owned, provide scheduled flights to Taiwan;

Whereas airports in Taiwan handle more than 1,580,000 metric tons of air cargo annually;

Whereas Taiwan Taoyuan International Airport was ranked in 2009 by the Airports Council International as the world's 8th and 18th largest airport by international cargo volume and number of International passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas, despite these impediments and irrespective of its inability to participate in the ICAO, the Government of Taiwan has made every effort to comply with the operating procedures and guidelines set forth by the organization;

Whereas, despite this effort, the exclusion of Taiwan from the ICAO has prevented the organization from developing a truly global strategy to address security threats based on effective international cooperation, thereby hindering the fulfillment of its overarching mission to ''meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States ''will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible'';

Whereas section 4(d) of the Taiwan Relations Act (22 U.S.C. 3303(d)) declares, ''Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.''; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in gaining international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's progress toward observer status in the ICAO.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4063. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 4064. Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. LEAHY, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4065. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4066. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4067. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4068. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4069. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4070. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4071. Mr. CARPER (for himself, Mr. BAYH, Mr. JOHNSON, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 4072. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

SA 4073. Mr. ENZI (for himself, Mr. SHELBY, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4074. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3962 submitted by Mr. MERKLEY (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Ms. SNOWE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. BOXER, Mr. DODD, Mr. KERRY, Mr. FRANKEN, and Mr. LEVIN) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4075. Ms. LANDRIEU (for herself, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4076. Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4077. Mr. REED (for himself, Mr. GRASSLEY, Mr. JOHNSON, Mr. BROWN of Ohio, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4078. Mr. REED (for himself, Mr. GRASSLEY, Mr. JOHNSON, Mr. BROWN of Ohio, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4079. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4080. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4081. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4082. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4083. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4084. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4085. Mr. HARKIN (for himself, Mr. SANDERS, Mr. WHITEHOUSE, Mr. UDALL, of New Mexico, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4086. Ms. CANTWELL (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4087. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4088. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4089. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4090. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4091. Mr. JOHNSON (for himself, Ms. LANDRIEU, Mr. BURRIS, Mr. BROWNBACK, Ms. MURKOWSKI, Mr. CRAPO, Mr. ROBERTS, Mr. COBURN, Mr. TESTER, Mr. BROWN of Ohio, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4092. Mr. CHAMBLISS (for Mrs. LINCOLN) submitted an amendment intended to be proposed by Mr. CHAMBLISS to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4093. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4094. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4095. Mr. NELSON of Florida (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4096. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4097. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4098. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. REED, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4099. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4100. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4101. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4102. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4103. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4104. Mr. MENENDEZ (for himself, Mr. BAYH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4105. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4106. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4107. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4108. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4109. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4110. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4111. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4112. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4113. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4114. Mr. DORGAN proposed an amendment to amendment SA 4072 submitted by Mr. GRASSLEY (for himself and Mrs. MCCASKILL) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra.

TEXT OF AMENDMENTS

SA 4063. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 11 and 12, insert the following:

(3) ADDITIONAL VIEWS.—In the annual report required by paragraph (2)(M), the Secretary shall provide additional views, which shall include—

(A) whether the Secretary agrees with the recommendations of the Council and the views of the Council on the financial markets and potential emerging threats;

(B) if the Secretary disagrees with any aspect of the report of the Council, the Secretary's own views, analysis, and recommendations; and

(C) recommendations regarding whether there should be changes made to the laws and rules in place at the time at which the annual report is delivered to Congress to promote the integrity, efficiency, and stability of the United States financial markets or a determination from the Secretary that the laws and rules in place at the time at which the annual report of the Council is delivered to Congress are optimal to achieve the integrity, efficiency, and stability of the United States financial markets.

SA 4064. Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. LEAHY, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 372, between lines 2 and 3, insert the following:

SEC. 343. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

''SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'eligible community development financial institution' means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

''(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term 'eligible community or economic development purpose'—

''(A) means any purpose described in section 108(b); and

''(B) includes the provision of community or economic development in low-income or underserved rural areas.

''(3) GUARANTEE.—The term 'guarantee' means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

''(4) LOAN.—The term 'loan' means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

''(5) MASTER SERVICER.—

''(A) IN GENERAL.—The term 'master servicer' means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

''(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

''(i) loan administration, servicing, and loan monitoring;

''(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

''(iii) managing regional or national originator communication systems and infrastructure;

''(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

''(v) compliance monitoring, investor relations, and reporting.

''(6) PROGRAM.—The term 'Program' means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

''(7) PROGRAM ADMINISTRATOR.—The term 'Program administrator' means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

''(8) QUALIFIED ISSUER.—

''(A) IN GENERAL.—The term 'qualified issuer' means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

''(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

''(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

''(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

''(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

''(II) provide to the Secretary—

''(aa) an acceptable statement of the proposed sources and uses of the funds; and

''(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

''(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

''(C) DEPARTMENT OPINION; TIMING.—

''(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

''(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) SERVICER.—The term 'servicer' means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

''(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

''(1) for eligible community or economic development purposes; or

''(2) to refinance loans or notes issued for such purposes.

''(c) GENERAL PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

''(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

''(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

''(A) community or economic development loans;

''(B) a relending account, to the extent authorized under paragraph (2); or

''(C) a risk-share pool established under subsection (d).

''(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

''(5) PROHIBITED USES.—The Secretary shall, by regulation—

''(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

''(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

''(i) the qualified issuer; or

''(ii) any recipient of amounts from the guarantee of a bond or note.

''(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

''(e) GUARANTEES.—

''(1) IN GENERAL.—A guarantee issued under the Program shall—

''(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

''(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

''(C) represent the full faith and credit of the United States; and

''(D) not exceed 30 years.

''(2) LIMITATIONS.—

''(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

''(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than $100,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.

''(f) SERVICING OF TRANSACTIONS.—

''(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

''(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

''(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

''(B) compliance monitoring;

''(C) bond packaging in connection with the Program; and

''(D) all other duties and related services that are customarily expected of a Program administrator.

''(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

''(A) billing and collecting loan payments;

''(B) initiating collection activities on past-due loans;

''(C) transferring loan payments to the master servicing accounts;

''(D) loan administration and servicing;

''(E) systematic and timely reporting of loan performance through remittance and servicing reports;

''(F) proper measurement of annual outstanding loan requirements; and

''(G) all other duties and related services that are customarily expected of servicers.

''(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

''(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

''(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

''(C) monitoring the collection comments and foreclosure actions;

''(D) aggregating the reporting and distribution of funds to trustees and investors;

''(E) removing and replacing a servicer, as necessary;

''(F) loan administration and servicing;

''(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

''(H) proper distribution of funds to investors; and

''(I) all other duties and related services that are customarily expected of a master servicer.

''(g) FEES.—

''(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

''(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

''(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

''(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

''(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

''(j) ADMINISTRATION.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

''(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.''.

SEC. 344. TAX EXEMPT STATUS OF CERTAIN BONDS.

(a) NO FEDERAL GUARANTEE.—Subparagraph (A) of section 149(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting '', or''; and

(3) by adding at the end the following new clause:

''(v) any guarantee of a qualified community development financial institution bond provided by the Department of the Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of enactment of this Act.

SA 4065. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XIV—EMERGENCY LIQUIDITY FUND

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Emergency Liquidity Fund''.

SEC. 1402. PURPOSES.

The purposes of this title are—

(1) to immediately provide authority and facilities that the Secretary of the Treasury can use to restore liquidity in the community development financial system of the United States;

(2) to ensure that such authority and such facilities are used in a manner that—

(A) promotes access to credit for small businesses;

(B) provides access to jobs, particularly for low and moderate income individuals;

(C) serves investment areas or targeted populations, as those terms are defined under the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.); and

(D) provides public accountability for the exercise of such authority; and

(3) to provide grants to eligible entities and the necessary authority to the Secretary of the Treasury to enter into cooperative agreements that—

(A) support small business development;

(B) develop innovative local and regional programs to expand capital access for small businesses; and

(C) support local economic development and business diversification.

SEC. 1403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term ''eligible community or economic development purpose''—

(A) means any purpose described in section 108(b) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.); and

(B) includes the provision of community or economic development in low-income or underserved rural areas.

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term ''eligible entity'' included community development financial institutions, as such institutions are described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto.

(B) ADDITIONAL AUTHORITY OF SECRETARY.—The Secretary may further expand participation in any grant program established under this title to include entities other than community development financial institutions, if the Secretary, in his discretion, determines that such other entities meet eligible community or economic development purposes.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 1404. AUTHORIZATION TO MAKE COMMITMENTS TO ASSIST ELIGIBLE ENTITIES.

(a) SPECIAL LIQUIDITY FACILITY.—

(1) IN GENERAL.—The Secretary is authorized to establish a special liquidity facility to make and fund commitments and to purchase assets related to eligible community or economic development purposes in accordance with—

(A) the purposes of this title; and

(B) the policies and procedures developed and published by the Secretary.

(2) RULE OF CONSTRUCTION.—Commitments made under paragraph (1) may include grants, loans, loan commitments, equity investments, agreements, and similar contracts or undertakings or a combination thereof.

(b) APPLICATIONS FOR ASSISTANCE.—An application for assistance under this title shall be submitted in such form and in accordance with such procedures as the Secretary shall establish.

(c) MATCHING REQUIREMENT.—Assistance provided to an eligible entity under this title shall be matched with funds from sources other than the Federal Government on the basis of not less than 1 dollar for every 2 dollars provided by the Secretary.

(d) LIMITATIONS.—

(1) ANNUAL NUMBER OF AWARDS.—The Secretary, acting through the special liquidity facility established under subsection (a), shall not issue more than 5 awards of assistance in any calendar year under the authorities established by this section.

(2) AWARD AMOUNT.—In carrying out the requirements of this section, the Secretary, acting through the special liquidity facility established under subsection (a), may not make an award to an eligible entity of less than $50,000,000.

(3) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this title the Secretary shall issue rules and regulations implementing this section.

(e) FUNDING.—There are hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $250,000,000 to carry out this section, to remain available until expended, for fiscal years 2010 through 2014.

SEC. 1405. APPROVAL CRITERIA FOR ELIGIBLE ENTITIES.

(a) IN GENERAL.—The Secretary shall approve an eligible entity for participation in the assistance program established under section 1404 in accordance with the requirements of this section, and such additional requirements as the Secretary may establish, by regulation.

(b) TERMS AND QUALIFICATIONS.—Recipients of amounts under section 1404 shall—

(1) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

(2) provide to the Secretary—

(A) an acceptable statement of the proposed sources and uses of the funds; and

(B) a capital distribution plan for eligible community and economic development purposes that details the following:

(i) Management Capacity, by providing the following:

(I) Experience deploying capital.

(II) Experience raising capital.

(III) Financial capacity and asset management capabilities.

(IV) Program compliance track-record.

(V) Community accountability.

(ii) Capitalization Strategy, by providing the following:

(I) Capital raising experience and track-record.

(II) Experience deploying capital.

(III) Strategy for raising investor capital.

(IV) Relationships with investors.

(V) Prospective sources and uses of capital.

(iii) Business strategy, by providing the following:

(I) Products, services ,and investment criteria.

(II) Community and economic development investment track-record.

(III) Financial projections or projected business activity.

(iv) Community impact, by providing the following:

(I) Ability to target areas of high unemployment.

(II) Ability to support job creation or job retention.

(III) Ability to further community revitalization.

(IV) Ancillary community benefits.

(v) Capacity, by demonstrating the following:

(I) Ability to distribute and utilize 25 percent of amounts received under this title not later than 1 year after receipt of such amounts.

(II) Ability to distribute and utilize 50 percent of amounts received under this title not later than 2 years after receipt of such amounts.

(III) Ability to distribute and utilize 80 percent of amounts received under this title not later than 5 years after receipt of such amounts.

SEC. 1406. BUSINESS-TO-BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

(1) to expand business-to-business relationships between large and small businesses;

(2) to develop innovative local and regional programs to expand access to capital for small businesses;

(3) to provide businesses, directly or indirectly, with online information and a database of—

(A) public sector programs or private companies that are interested in mentor-protege programs or supplier diversity programs; and

(B) State-wide, local, or community-based business development programs;

(4) to collect, analyze, and publish data that tracks the impact of the coalition's programs on revenue and employment at participating businesses, including disadvantaged business enterprises;

(5) to foster communication and collaboration within and among the coalitions; and

(6) to support efforts to enhance the long-term financial stability of employees, the economic viability of communities, and business diversification within locales and regions.

(b) MATCHING REQUIREMENT.—The Secretary may make a grant to a coalition described under subsection (a) only if the grant shall be matched with funds from sources other than the Federal Government on the basis of not less than 1 dollar for each dollar provided by the Secretary under this section.

(c) FUNDING.—There are hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $50,000,000, to carry out this section, including to pay the reasonable costs of administering the grant program established under this section, for each of fiscal years 2010 through 2015.

SEC. 1407. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) establish minimum standards for approved use of amounts made available under this title;

(2) provide technical assistance to eligible entities receiving amounts under this title;

(3) manage, administer, and perform necessary integrity functions for the grant programs established under this title; and

(4) ensure adequate oversight of the eligible entities that received amounts under this title.

(b) ADMINISTRATIVE FUNDING.—There are hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $15,000,000 to carry out the administrative expenses associated with the grant programs established under title, including to pay reasonable costs of administering such programs. In administering this title and the grant programs established by this title, the Secretary is authorized to use the staff and resources of the Department of the Treasury.

(c) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this title, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

(d) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer this title shall terminate at the end of the 5-year period beginning on the date of enactment of this title.

SEC. 1408. REGULATIONS.

The Secretary may issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including, to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SA 4066. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1290, strike line 5 and all that follows through page 1291, line 9, and insert the following:

SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.

(a) STUDY AND REPORT.—Not later than 1 year after the designated transfer date, the Bureau shall conduct a study and submit a report to Congress concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau determines that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The determination of the Bureau under this subsection shall be consistent with the study conducted under subsection (a).

(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

(d) RULE OF CONSTRUCTION.—No other provision of Federal law shall be construed to preempt or otherwise affect the applicability of any regulation prescribed by the Bureau under subsection (b).

SA 4067. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1455, after line 25, insert the following:

SEC. 1077. MANDATORY PREDISPUTE ARBITRATION RULEMAKING.

(a) SECTION 921.—Section 921 of this Act is amended to read as follows:

''SEC. 921. AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.

''(a) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), as amended by section 918, is amended by adding at the end the following:

'''(i) AUTHORITY TO RESTRICT MANDATORY PREDISPUTE ARBITRATION.—The Commission shall—

'''(1) conduct a rulemaking on the use of agreements that require customers or clients of any broker, dealer, or municipal securities dealer to arbitrate any dispute between such customers or clients and such broker, dealer, or municipal securities dealer that arises under the securities laws or the rules of a self-regulatory organization; and

'''(2) if the Commission finds that prohibition of, or imposition of conditions or limitations on, the use of agreements described in paragraph (1) is in the public interest and for the protection of investors, promulgate rules or regulations to establish such prohibitions, conditions, or limitations.'.

''(b) AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended by adding at the end the following:

'''(f) AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.—The Commission shall—

'''(1) conduct a rulemaking on the use of agreements that require customers or clients of any investment adviser to arbitrate any dispute between such customers or clients and such investment adviser that arises under the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or the rules of a self-regulatory organization; and

'''(2) if the Commission finds that prohibition of, or imposition of conditions or limitations on, the use of agreements described in paragraph (1) is in the public interest and for the protection of investors, promulgate rules or regulations to establish such prohibitions, conditions, or limitations.'.''

(b) SECTION 1028.—Section 1028 of this Act is amended to read as follows:

''SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.

''(a) STUDY AND REPORT.—Not later than 1 year after the designated transfer date, the Bureau shall conduct a study and submit a report to Congress concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

''(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau determines that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The determination of the Bureau under this subsection shall be consistent with the study conducted under subsection (a).

''(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

''(d) RULE OF CONSTRUCTION.—No other provision of Federal law shall be construed to preempt or otherwise affect the applicability of any regulation prescribed by the Bureau under subsection (b).''.

SA 4068. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, after line 23, insert the following:

(5) HART-SCOTT-RODINO FILING REQUIREMENT.—Solely for purposes of section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)), the transactions subject to the requirements of paragraph (1) shall be treated as if Board of Governors approval is not required.

On page 153, line 4, strike ''and''.

On page 153, line 16, strike the period and insert ''; and''.

On page 153, after line 16, insert the following:

(IV) if the Secretary, in consultation with the Chairman of the Board of Governors, has found that the Corporation must act immediately with regard to the covered financial company (including any covered financial company that is an insurance company) to preserve financial stability, the approval and prior notification referred to in subclauses (II) and (III) shall not be required and the transaction may be consummated immediately by the Corporation, provided that nothing in this subclause shall otherwise modify, impair, or supersede the operation of any of the antitrust laws (as defined in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section relates to unfair methods of competition).

On page 264, strike line 6, and insert the following:

REVIEW.—

(A) IN GENERAL.—If a transaction involving the merger or

On page 264, after line 25, insert the following:

(B) EMERGENCY.—If the Secretary, in consultation with the Chairman of the Board of Governors, has found that the Corporation must act immediately with regard to the bridge financial company (including any bridge financial company that is an insurance company) to preserve financial stability, the approval and prior notification referred to in subparagraph (A) shall not be required and the transaction may be consummated immediately by the Corporation. The preceding sentence shall not otherwise modify, impair, or supersede the operation of any of the antitrust laws (as defined in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section relates to unfair methods of competition).

On page 296, after line 15, insert the following:

(d) ANTITRUST SAVINGS CLAUSE.—Unless otherwise provided, nothing in this Act, or any amendment made by this Act, shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For the purposes of this Act, the term ''antitrust laws'' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

On page 441, after line 12, insert the following:

''(iii) HART-SCOTT-RODINO FILING REQUIREMENT.—Solely for purposes of section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)), the transactions subject to the requirements of this paragraph shall be treated as if Board of Governors approval is not required.''.

On page 567, lines 7 and 8, strike '', subject to the requirements of section 5(b)''.

SA 4069. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1219, line 25, strike the second period and insert the following: ''.

(7) STUDY AND REPORT ON PAPER STATEMENT CHARGES.—Not later than 6 months after the designated transfer date, the Office of Financial Literacy shall submit a report to Congress—

(A) on the charging of fees for paper copies of statements related to a consumer financial product or service by covered persons under this title;

(B) on the charging of fees for the use of paper checks as payment to financial institutions;

(C) on the impact of the imposition of such fees on financial literacy, particularly among—

(i) the elderly;

(ii) low-income individuals; and

(iii) individuals that lack computer access; and

(D) that includes recommendations on how to ensure that the individuals described in subparagraph (C) are not negatively impacted by the imposition of fees to receive paper statements, including recommendations—

(i) on whether covered persons under this title should be—

(I) prohibited from charging fees for paper statements;

(II) prohibited from automatically enrolling individuals in e-statement or other electronic delivery programs without the express consent of the individual, in the manner described in section 101(c)(1) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001(c)(1)); and

(III) prevented from charging fees for the use of paper checks as payment; and

(ii) for proposed regulatory or statutory changes to ensure that such individuals are able to access paper copies of financial statements without fees or unnecessary hindrance.

SA 4070. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1304, strike line 10 and all that follows through page 1310, line 16, and insert the following:

SEC. 1036. PROHIBITED ACTS.

It shall be unlawful for any covered person—

(1) to—

(A) advertise, market, offer, or sell a consumer financial product or service not in conformity with this title or applicable rules or orders issued by the Bureau;

(B) enforce, or attempt to enforce, any agreement with a consumer (including any term or change in terms in respect of such agreement), or impose, or attempt to impose, any fee or charge on a consumer in connection with a consumer financial product or service that is not in conformity with this title or applicable rules or orders issued by the Bureau; or

(C) engage in any unfair, deceptive, or abusive act or practice that violates this title or applicable rules or orders issued by the Bureau,

except that no person shall be held to have violated this paragraph solely by virtue of providing or selling time or space to a person placing an advertisement;

(2) to fail or refuse, as required by Federal consumer financial law, or any rule or order issued by the Bureau thereunder—

(A) to permit access to or copying of records;

(B) to establish or maintain records; or

(C) to make reports or provide information to the Bureau; or

(3) knowingly or recklessly to provide substantial assistance to another person in violation of the provisions of section 1031, or any rule or order issued thereunder, and notwithstanding any provision of this title, the provider of such substantial assistance shall be deemed to be in violation of that section to the same extent as the person to whom such assistance is provided.

SEC. 1037. EFFECTIVE DATE.

This subtitle shall take effect on the designated transfer date.

Subtitle D—Preservation of State Law

SEC. 1041. RELATION TO STATE LAW.

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—This title, other than sections 1044 through 1048, may not be construed as annulling, altering, or affecting, or exempting any person subject to the provisions of this title from complying with, the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that any such provision of law is inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

(2) GREATER PROTECTION UNDER STATE LAW.—For purposes of this subsection, a statute, regulation, order, or interpretation in effect in any State is not inconsistent with the provisions of this title if the protection that such statute, regulation, order, or interpretation affords to consumers is greater than the protection provided under this title. A determination regarding whether a statute, regulation, order, or interpretation in effect in any State is inconsistent with the provisions of this title may be made by the Bureau on its own motion or in response to a nonfrivolous petition initiated by any interested person.

(b) RELATION TO OTHER PROVISIONS OF ENUMERATED CONSUMER LAWS THAT RELATE TO STATE LAW.—No provision of this title, except as provided in section 1083, shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the application of a law in effect in any State with respect to such Federal law.

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Bureau shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Bureau.

(2) BUREAU CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Bureau shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Bureau—

(A) shall include a discussion of the considerations required in paragraph (2) in the Federal Register notice of a final regulation prescribed pursuant to this subsection; and

(B) whenever the Bureau determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this subsection shall be construed as limiting or restricting the authority of the Bureau to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as exempting the Bureau from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this subsection, the term ''consumer protection regulation'' means a regulation that the Bureau is authorized to prescribe under the Federal consumer financial laws.

SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.

(a) IN GENERAL.—

(1) ACTION BY STATE.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any district court of the United States in that State or in State court having jurisdiction over the defendant, to enforce provisions of this title or regulations issued thereunder and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued thereunder with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law, and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to a State-chartered entity.

(2) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), no provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(3) FEE STRUCTURE.—

(A) IN GENERAL.—Neither an attorney general of a State nor a State regulator may enter into a contingency fee agreement for legal services relating to a civil action or other proceeding under this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''contingency fee agreement'' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.

SA 4071. Mr. CARPER (for himself, Mr. BAYH, Mr. JOHNSON, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

On page 1309, strike line 15, and all that follows through page 1325, line 20 and insert the following:

SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.

(a) IN GENERAL.—

(1) ACTION BY STATE.—Except as provided in paragraph (2), the attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title or regulations issued under this title, and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued under this title with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law (except as provided in paragraph (2)), and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to such an entity.

(2) ACTION BY STATE AGAINST NATIONAL BANK OR FEDERAL SAVINGS ASSOCIATION TO ENFORCE RULES.—

(A) IN GENERAL.—Except as permitted under subparagraph (B), the attorney general (or equivalent thereof) of any State may not bring a civil action in the name of such State against a national bank or Federal savings association with respect to an act or omission that would be a violation of a provision of this title.

(B) ENFORCEMENT OF RULES PERMITTED.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State against a national bank or Federal savings association in any district court of the United States in the State or in State court that is located in that State and that has jurisdiction over the defendant to enforce a regulation prescribed by the Bureau under a provision of this title and to secure remedies under provisions of this title or remedies otherwise provided under other law.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(b) CONSULTATION REQUIRED.—

(1) NOTICE.—

(A) IN GENERAL.—Before initiating any action in a court or other administrative or regulatory proceeding against any covered person as authorized by subsection (a) to enforce any provision of this title, including any regulation prescribed by the Bureau under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

(B) EMERGENCY ACTION.—If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

(C) CONTENTS OF NOTICE.—The notification required under this paragraph shall, at a minimum, describe—

(i) the identity of the parties;

(ii) the alleged facts underlying the proceeding; and

(iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Bureau, a prudential regulator, or another Federal agency.

(2) BUREAU RESPONSE.—In any action described in paragraph (1), the Bureau may—

(A) intervene in the action as a party;

(B) upon intervening—

(i) remove the action to the appropriate United States district court, if the action was not originally brought there; and

(ii) be heard on all matters arising in the action; and

(C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

(c) REGULATIONS.—The Bureau shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

(d) PRESERVATION OF STATE AUTHORITY.—

(1) STATE CLAIMS.—No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

(2) STATE SECURITIES REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

(3) STATE INSURANCE REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

SEC. 1043. PRESERVATION OF EXISTING CONTRACTS.

This title, and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before the date of enactment of this Act, by national banks, Federal savings associations, or subsidiaries thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

"SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) NATIONAL BANK.—The term 'national bank' includes—

"(A) any bank organized under the laws of the United States; and

"(B) any Federal branch established in accordance with the International Banking Act of 1978.

"(2) STATE CONSUMER FINANCIAL LAWS.—The term 'State consumer financial law' means a State law that does not directly or indirectly discriminate against national banks and that directly and specifically regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

"(3) OTHER DEFINITIONS.—The terms 'affiliate', 'subsidiary', 'includes', and 'including' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

"(b) PREEMPTION STANDARD.—

"(1) IN GENERAL.—State consumer financial laws are preempted, only if—

"(A) application of a State consumer financial law would have a discriminatory effect on national banks, in comparison with the effect of the law on a bank chartered by that State;

"(B) the State consumer financial law is preempted in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996), and any preemption determination under this subparagraph may be made by a court, or by regulation or order of the Comptroller of the Currency on a case-by-case basis, in accordance with applicable law; or

"(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

"(2) SAVINGS CLAUSE.—This title and section 24 of the Federal Reserve Act (12 U.S.C. 371) do not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

"(3) CASE-BY-CASE BASIS.—

"(A) DEFINITION.—As used in this section the term 'case-by-case basis' refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

"(B) CONSULTATION.—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

"(4) RULE OF CONSTRUCTION.—This title does not occupy the field in any area of State law.

"(5) STANDARDS OF REVIEW.—

"(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

"(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

"(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

''(c) SUBSTANTIAL EVIDENCE.—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

''(d) PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.—

''(1) IN GENERAL.—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

''(2) REPORTS TO CONGRESS.—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

''(e) APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.—Notwithstanding any provision of this title or section 24 of Federal Reserve Act (12 U.S.C. 371), a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

''(f) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(g) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(h) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(2) RULE OF CONSTRUCTION.—No provision of this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).''.

SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

''SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.

''(a) IN GENERAL.—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

''(b) PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''Sec. 6. State law preemption standards for Federal savings associations and subsidiaries clarified.''.

SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.

(a) NATIONAL BANKS.—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(i) VISITORIAL POWERS.—

''(1) IN GENERAL.—In accordance with the decision of the Supreme Court of the United States in Cuomo v. Clearing House Assn., L. L. C. (129 S. Ct. 2710 (2009)), no provision of this title which relates to visitorial powers or otherwise limits or restricts the visitorial authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring an action against a national bank in a court of appropriate jurisdiction to enforce an applicable law and to seek relief as authorized by such law.

''(j) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners' Loan Act (as added by this title) is amended by adding at the end the following:

''(c) VISITORIAL POWERS.—The provisions of sections 5136C(i) of the Revised Statutes of the United States shall apply to Federal savings associations, and any subsidiary thereof, to the same extent and in the same manner as if such savings associations, or subsidiaries thereof, were national banks or subsidiaries of national banks, respectively.

SA 4072. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; as follows:

Strike 989B, insert the following:

SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,'' after ''means'';

(B) in subparagraph (A), by striking ''and'' after the semicolon; and

(C) by adding after subparagraph (B) the following:

''(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

''(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

''(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

''(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

''(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

''(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;''; and

(2) in subsection (h), by inserting ''if the designated Federal entity is not a board or commission, include'' after ''designated Federal entities and''.

SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

''(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

''(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

''(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.''.

SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following ''(e)'' as paragraph (2); and

(2) by striking ''(e)'' and inserting the following:

''(e)(1) In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a ⅔ majority of the board or commission.''.

SEC. 989E. ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM.

(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the ''Council of Inspectors General'') chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

(A) The Board of Governors of the Federal Reserve System.

(B) The Commodity Futures Trading Commission.

(C) The Department of Housing and Urban Development.

(D) The Department of the Treasury.

(E) The Federal Deposit Insurance Corporation.

(F) The Federal Housing Finance Agency.

(G) The National Credit Union Administration.

(H) The Securities and Exchange Commission.

(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

(2) DUTIES.—

(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general's ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

(3) WORKING GROUPS TO EVALUATE COUNCIL.—

(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.

SA 4073. Mr. ENZI (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1290, line 4, strike ''respectively.'' insert the following: ''respectively.

(s) CONSUMER PRIVACY.—Notwithstanding any other provision of this Act, the Bureau may not investigate an individual transaction to which a consumer is a party without the written permission of the consumer.

SA 4074. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3962 submitted by Mr. MERKLEY (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Ms. SNOWE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mrs. BOXER, Mr. DODD, Mr. KERRY, Mr. FRANKEN, and Mr. LEVIN) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 7, insert ''private mortgage insurance (as defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901)) and'' after ''premium for''.

SA 4075. Ms. LANDRIEU (for herself, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. ____. SMALL BUSINESS CONSULTATION.

(a) SMALL BUSINESS ADVISORY BOARD.—

(1) ESTABLISHMENT REQUIRED.—The Director shall establish a Small Business Advisory Board, which shall be responsible for advising and consulting with the Bureau regarding the effects of actions by the Bureau on small businesses. The Small Business Advisory Board may provide information on emerging practices in consumer financial products or services, including regional trends, and other matters of interest to small businesses.

(2) MEMBERSHIP.—In appointing the members of the Small Business Advisory Board, the Director shall seek representation of the interests of small businesses operating in various markets for consumer financial products and services, including depository institutions, credit unions, and non-depository institutions.

(3) MEETINGS.—The Small Business Advisory Board shall meet from time to time, at the call of the Director, but not less frequently than 4 times in each year.

(4) COMPENSATION AND TRAVEL EXPENSES.—Members of the Small Business Advisory Board who are not full time employees of the United States shall—

(A) be entitled to receive compensation at a rate fixed by the Director while attending meetings of the Small Business Advisory Board, including travel time; and

(B) be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

(b) CONSIDERATION OF IMPACT ON SMALL BUSINESSES.—

(1) ANALYSIS.—When conducting an initial regulatory flexibility analysis or final regulatory flexibility analysis, as required under chapter 6 of part I of title 5, United States Code (commonly referred to as the ''Regulatory Flexibility Act'') regarding compliance burden on small entities, the Bureau shall provide a description of any increase in the cost of credit to small entities projected as a result of the proposed or final rule, as applicable, and any significant alternatives to the proposed or final rule which would accomplish the stated objectives of applicable statutes and which would minimize any increase in the cost of credit to small entities.

(2) REVIEW PANELS.—

(A) IN GENERAL.—If the Bureau prepares an initial regulatory flexibility analysis for a proposed rule, the Bureau, after publishing notice of the proposed rulemaking, shall follow the procedures specified in section 609(b) of title 5, United States Code, as if the Bureau were a covered agency.

(B) CONSIDERATION OF REVIEW PANEL REPORT.—The Bureau shall consider the report of the review panel issued under this paragraph and include in the adopting release of the final rule a description of the basis for any determination by the Bureau concerning any issues raised by the panel and any issue concerning the cost of credit to small entities, as required in paragraph (1).

(C) DEADLINE.—Notwithstanding any other provision of chapter 6 of part I of title 5, United States Code, the report of the review panel shall be submitted not later than 90 days after the date on which the Bureau notifies the Chief Counsel of Advocacy of the Small Business Administration concerning the proposed rule, and the Bureau may proceed with its rulemaking if such report is not timely submitted.

SA 4076. Mr. REED (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1455, after line 25, insert the following:

SEC. 1077. OVERSIGHT OF EFFORTS TO REDUCE MORTGAGE DEFAULTS AND FORECLOSURES.

(a) DEFINITIONS.—In this section—

(1) the term ''heads of appropriate agencies'' means the Secretary of the Treasury, Comptroller of the Currency, the Board of Governors, the Corporation, the National Credit Union Administration, the Council, the Director of the Bureau, the Office of Financial Research, the Federal Housing Finance Agency, and a representative of State banking regulators selected by the Secretary;

(2) the term ''mortgagee'' means—

(A) an original lender under a mortgage or the holder of a residential mortgage at the time at which that mortgage transaction is consummated;

(B) any affiliate, agent, subsidiary, successor, or assignee of an original lender under a mortgage or the holder of a residential mortgage at the time at which that mortgage transaction is consummated;

(C) any servicer of a mortgage; and

(D) any subsequent purchaser, trustee, or transferee of any mortgage or credit instrument issued by an original lender;

(3) the term ''Secretary'' means the Secretary of Housing and Urban Development;

(4) the term ''servicer'' means the person or entity responsible for servicing of a loan (including the person or entity who makes or holds a loan if such person or entity also services the loan); and

(5) the term ''servicing'' has the meaning given the term in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)).

(b) MONITORING OF HOME LOANS.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop and implement a plan to monitor—

(A) conditions and trends in homeownership and the mortgage industry, in order to predict trends in foreclosures and to better understand other critical aspects of the mortgage market; and

(B) the effectiveness of public efforts to reduce mortgage defaults and foreclosures.

(2) REPORT TO CONGRESS.—Not later than 1 year after the development of the plan under paragraph (1), and each year thereafter, the Secretary shall submit a report to Congress that—

(A) summarizes and describes the findings of the monitoring required under paragraph (1); and

(B) includes recommendations or proposals for legislative or administrative action necessary—

(i) to increase the authority of the Secretary to levy penalties against any mortgagee, or other person or entity, who fails to comply with the requirements described in this section;

(ii) to improve coordination between public and private initiatives to reduce the overall rate of mortgage defaults and foreclosures; and

(iii) to improve coordination between initiatives undertaken by Federal, State, and local governments.

(c) NATIONAL DATABASE ON DEFAULTS AND FORECLOSURES.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop recommendations for a national database on mortgage defaults and foreclosures that—

(A) provides information to Federal regulatory agencies on—

(i) mortgagees that generate home loans that go into default or foreclosure at a rate significantly higher than the national average for such mortgagees;

(ii) the factors associated with such higher rates; and

(iii) other factors and indicators that the Secretary determines are critical to monitoring the mortgage markets; and

(B) provides information to Federal, State, and local governments on loans, delinquencies, defaults, foreclosures, deeds in lieu of foreclosure, short sales, and sheriff sales that—

(i) is not otherwise readily available;

(ii) would allow for a better understanding of local, regional, and national trends; and

(iii) helps improve public policies that reduce defaults and foreclosures.

(2) CONSIDERATIONS.—In developing the recommendations under paragraph (1), the Secretary shall take into consideration privacy concerns and legal issues relating to such concerns, including the advisability of establishing rules relating to access, including public access, to information obtained under subsection (d).

(3) REPORT TO CONGRESS ON NATIONAL DATABASE.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains—

(A) the recommendations developed under paragraph (1);

(B) an estimate of the cost of maintaining the database described in paragraph (1); and

(C) a reasonable timetable with a deadline by which a national database on mortgage defaults and foreclosures shall be established by the Secretary.

(d) PROVISION OF DATA.—

(1) DATA REPORT REQUIRED.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the heads of appropriate agencies, shall issue final rules that require each mortgagee or servicer that originates or services not fewer than 100 loans in the prior calendar year (or any other person that the Secretary determines can effectively provide the data described in paragraph (2)) to submit a report to the Secretary not less frequently than once each quarter that contains data the Secretary determines are necessary to carry out this section.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall contain data that—

(A) for each loan, use the identification requirements that are established under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) for data reporting, including—

(i) the date of origination;

(ii) the agency code of the originator;

(iii) the respondent identification number of the originator; and

(iv) the identifying number for the loan;

(B) describe the characteristics of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) the loan-to-value ratio at the time of origination for each mortgage on the property; and

(ii) the type of mortgage, such as a fixed-rate or adjustable-rate mortgage; and

(C) include the performance outcome of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) whether such home loan was in delinquency at any point in such 12-month period; and

(ii) whether any judicial or non-judicial foreclosure was initiated on such home loan during such 12-month period;

(D) are sufficient to establish for each home loan that at any point during the preceding 12 months had become 60 or more days delinquent with respect to a payment on any amount due under the home loan, or for which a judicial or non-judicial foreclosure was initiated, the interest rate on such home loan at the time of such delinquency or foreclosure;

(E) include information relating to foreclosures, including—

(i) the date of all foreclosures initiated by the mortgagee or servicer; and

(ii) the combined loan-to-value ratio of all mortgages on a home at the time foreclosure was initiated;

(F) for a home loan that is in foreclosure, include information on all actions, including loan modifications, taken to mitigate or resolve the problem that led to the initiation of foreclosure and all actions undertaken prior to initiation of a foreclosure to resolve a delinquency or default;

(G) identify each home loan for which foreclosure was completed in the preceding 12 months, including—

(i) foreclosures initiated in such 12-month period; and

(ii) the date of the foreclosure completion; and

(H) include any other information that the Secretary determines is necessary to carry out this section.

(3) COMPLIANCE PLAN AND REPORT.—The Secretary, in consultation with the heads of appropriate agencies, shall—

(A) develop a plan to monitor the compliance with the requirements established in this subsection; and

(B) submit to Congress a report on such plan.

(4) ESTABLISHMENT OF NATIONAL DATABASE.—The Secretary shall establish a national database on mortgage defaults and foreclosures by the deadline established in the report to Congress required by subsection (c)(3) and shall provide public access to such database or portions thereof, subject to the Secretary making reasonable efforts to ensure that such public disclosure adequately addresses privacy, confidentiality, or legal rights under Federal or State law that may reasonably be raised.

(e) CONSOLIDATED DATABASE.—Not later than 6 months after the establishment of the national database described in subsection (d)(4), the Federal Financial Institutions Examination Council, or any successor thereto, shall create a consolidated database that establishes a connection between the data provided under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) and the data provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SA 4077. Mr. REED (for himself, Mr. GRASSLEY, Mr. JOHNSON, Mr. BROWN of Ohio, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, strike line 1 and all that follows through page 387, line 3 and insert the following:

SEC. 407. FAMILY OFFICES.

(a) IN GENERAL.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)) is amended by striking ''or (G)'' and inserting the following: ''; (G) any family office, as defined by rule, regulation, or order of the Commission, in accordance with the purposes of this title; or (H)''.

(b) RULEMAKING.—The rules, regulations, or orders issued by the Commission pursuant to section 202(a)(11)(G) of the Investment Advisers Act of 1940, as added by this section, regarding the definition of the term ''family office'' shall provide for an exemption that—

(1) is consistent with the previous exemptive policy of the Commission, as reflected in exemptive orders for family offices in effect on the date of enactment of this Act; and

(2) recognizes the range of organizational, management, and employment structures and arrangements employed by family offices.

SEC. 408. STATE AND FEDERAL RESPONSIBILITIES; ASSET THRESHOLD FOR FEDERAL REGISTRATION OF INVESTMENT ADVISERS.

Section 203A(a) of the of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) TREATMENT OF MID-SIZED INVESTMENT ADVISERS.—

''(A) IN GENERAL.—No investment adviser described in subparagraph (B) shall register under section 203, unless the investment adviser is an adviser to an investment company registered under the Investment Company Act of 1940, or a company which has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn the election, except that, if by effect of this paragraph an investment adviser would be required to register with 15 or more States, then the adviser may register under section 203.

''(B) COVERED PERSONS.—An investment adviser described in this subparagraph is an investment adviser that—

''(i) is required to be registered as an investment adviser with the securities commissioner (or any agency or office performing like functions) of the State in which it maintains its principal office and place of business and, if registered, would be subject to examination as an investment adviser by any such commissioner, agency, or office; and

''(ii) has assets under management between—

''(I) the amount specified under subparagraph (A) of paragraph (1), as such amount may have been adjusted by the Commission pursuant to that subparagraph; and

''(II) $100,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title.''.

SEC. 409. CUSTODY OF CLIENT ASSETS.

SA 4078. Mr. REED (for himself, Mr. GRASSLEY, Mr. JOHNSON, Mr. BROWN of Ohio, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, strike line 1 and all that follows through page 385, line 15.

On page 385, line 16, strike ''**409**'' and insert ''**407**''.

On page 386, strike line 10 and all that follows through page 387, line 2 and insert the following:

SEC. 408. STATE AND FEDERAL RESPONSIBILITIES; ASSET THRESHOLD FOR FEDERAL REGISTRATION OF INVESTMENT ADVISERS.

Section 203A(a) of the of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) TREATMENT OF MID-SIZED INVESTMENT ADVISERS.—

''(A) IN GENERAL.—No investment adviser described in subparagraph (B) shall register under section 203, unless the investment adviser is an adviser to an investment company registered under the Investment Company Act of 1940, or a company which has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn the election, except that, if by effect of this paragraph an investment adviser would be required to register with 15 or more States, then the adviser may register under section 203.

''(B) COVERED PERSONS.—An investment adviser described in this subparagraph is an investment adviser that—

''(i) is required to be registered as an investment adviser with the securities commissioner (or any agency or office performing like functions) of the State in which it maintains its principal office and place of business and, if registered, would be subject to examination as an investment adviser by any such commissioner, agency, or office; and

''(ii) has assets under management between—

''(I) the amount specified under subparagraph (A) of paragraph (1), as such amount may have been adjusted by the Commission pursuant to that subparagraph; and

''(II) $100,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title.''.

On page 387, line 3, strike ''**411**'' and insert ''**409**''

On page 387, line 13, strike ''**412**'' and insert ''**410**''.

On page 388, line 4, strike ''**413**'' and insert ''**411**''.

On page 388, line 16, strike ''**414**'' and insert ''**412**''.

On page 389, line 3, strike ''**415**'' and insert ''**413**''.

On page 390, line 1, strike ''**416**'' and insert ''**414**''.

SA 4079. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, strike lines 15 through 23 and insert the following:

(1) IN GENERAL.—

(A) AUTHORITY.—To assist the Office in assessing financial stability or otherwise carrying out the functions described in this subtitle, the Director may require, by subpoena, the production of the data requested under subsection (a)(1) and section 154(b)(1), upon a written finding by the Director that—

(i) such data is required to carry out the functions described under this subtitle;

(ii) attempts to obtain such data without the use of a subpoena have been unsuccessful; and

(iii) the Office has coordinated with such agency, as required under section 154(b)(1)(B)(ii).

(B) CONSIDERATIONS.—The Director shall take into consideration the burden imposed by the request of the Director under subparagraph (A).

SA 4080. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1089, strike line 6 and all that follows through **''SEC. 973.''**

SA 4081. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the

United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1235, line 10, before the semicolon insert ''and shall certify that the costs of the rule will not be borne by the consumer''.

SA 4082. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1242, between lines 14 and 15, insert the following:

(7) CONSUMER PRIVACY.—

(A) IN GENERAL.—The Bureau may not have access to, or obtain copies of, any personally identifiable financial information relating to a consumer contained in the financial records of any covered person from a disclosure of such information by the covered person to the Bureau, except—

(i) if the financial records are reasonably described in a request by the Bureau and the consumer provides written permission for the disclosure of such information by the covered person to the Bureau; or

(ii) as may be specifically permitted or required under other provisions of law, and in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.).

(B) TREATMENT OF COVERED PERSON.—With respect to the application of any provision of the Right to Financial Privacy Act of 1978 to a disclosure by a covered person subject to this subsection, the covered person shall be treated as if it were a ''financial institution'', as that term is defined in section 1101 of that Act (12 U.S.C. 3401).

SA 4083. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 485, strike line 1 and all that follows through page 489, line 13, and insert the following:

(2) the term ''insured depository institution'' does not include an institution described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D));

(3) the term ''proprietary trading''—

(A) means purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company, for the trading book (or such other portfolio as the Federal banking agencies may determine) of such institution, company, or subsidiary;

(B) subject to such restrictions as the Federal banking agencies may determine, does not include purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments on behalf of a customer, as part of market making activities, or otherwise in connection with or in facilitation of customer relationships, including risk-mitigating hedging activities related to such a purchase, sale, acquisition, or disposal; and

(C) does not include the investments by or on behalf of a regulated insurance company, or a regulated insurance affiliate or regulated insurance subsidiary thereof, if—

(i) such investments are in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

(ii) the Federal banking agencies, after consultation with the Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a law, a regulation, or written guidance described in clause (i) is insufficient to accomplish the purposes of this section; and

(4) the term ''sponsoring'', when used with respect to a hedge fund or private equity fund, means—

(A) serving as a general partner, managing member, or trustee of the fund;

(B) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(C) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

(b) PROHIBITION ON PROPRIETARY TRADING.—

(1) IN GENERAL.—Subject to the recommendations and modifications of the Council under subsection (g), and except as provided in paragraph (2) or (3), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit proprietary trading by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company.

(2) EXCEPTED OBLIGATIONS.—

(A) IN GENERAL.—The prohibition under this subsection shall not apply with respect to an investment that is otherwise authorized by Federal law in—

(i) obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(ii) obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, including obligations fully guaranteed as to principal and interest by such entities; and

(iii) obligations of any State or any political subdivision of a State.

(B) CONDITIONS.—The appropriate Federal banking agencies may impose conditions on the conduct of investments described in subparagraph (A).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(3) FOREIGN ACTIVITIES.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibition under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(c) PROHIBITION ON SPONSORING AND INVESTING IN HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations and modifications of the Council under subsection (g), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company, from sponsoring or investing in a hedge fund or a private equity fund.

(2) APPLICATION TO FOREIGN ACTIVITIES OF FOREIGN FIRMS.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibitions and restrictions under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(3) EXCEPTION.—Notwithstanding paragraph (1), an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company may sponsor or invest in a hedge fund or a private equity fund, if—

(A) such institution, company, or subsidiary provides trust, fiduciary, or advisory services to the fund;

(B) the fund is sponsored and offered in connection with the provision of trust, fiduciary, or advisory services by such institution, company, or subsidiary to persons who are, or may be, customers or clients of such institution, company, or subsidiary;

(C) such institution, company, or subsidiary—

(i) does not acquire or retain an equity, partnership, or ownership interest in the fund; or

(ii) acquires or retains an equity, partnership, or ownership interest, if—

(I) on the date that is 12 months after the date on which the fund is established, the equity, partnership, or ownership interest is not greater than 10 percent of the total equity of the fund; and

(II) the aggregate equity investments by such institution, company, or subsidiary in the fund do not exceed 5 percent of Tier 1 capital of such institution, company, or subsidiary;

(D) such institution, company, or subsidiary does not enter into or otherwise engage in any transaction with the fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), except on terms and under circumstances specified in section 23B of the Federal Reserve Act (12 U.S.C. 371c–1);

(E) the obligations of the fund are not guaranteed, directly or indirectly, by such institution, company, or subsidiary any affiliate of such institution, company, or subsidiary; and

(F) such institution, company, or subsidiary does not share with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

SA 4084. Mr. REED submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 502, strike lines 4 through 14.

On page 502, between lines 15 and 16, insert the following:

(a) JOINT RULEMAKING.—

(1) DEFINITION OF TERMS.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall engage in joint rulemaking to jointly adopt a rule or rules further defining the terms ''swap'', ''security-based swap'', ''swap dealer'', ''security-based swap dealer'', ''major swap participant'', ''major security-based swap participant'', and ''eligible contract participant'' and such other rules regarding such definitions as the Commodity Futures Trading Commission and the Securities and Exchange Commission determine are necessary and appropriate, in the public interest, and for the protection of investors.

(B) PREVENTION OF EVASIONS.—The Commodity Futures Trading Commission and the Securities and Exchange Commission may jointly prescribe rules defining the term ''swap'' or ''security-based swap'' to include transactions that have been structured to evade this title.

(2) TRADE REPOSITORY RECORD KEEPING.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall engage in joint rulemaking to jointly adopt a rule or rules governing the books and records that are required to be kept and maintained regarding security-based swap agreements by persons that are registered as swap data repositories under the Commodity Exchange Act, including uniform rules that specify the data elements that shall be collected and maintained by each repository.

(3) CAPITAL AND MARGIN.—

(A) Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall engage in joint rulemaking to jointly adopt a rule or rules imposing capital and margin requirements under the respective provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934 for swap dealers, security-based swap dealers, major swap participants, and major security-based swap participants for which there is not a prudential regulator.

(B) Notwithstanding any other provision of this title, prudential regulators, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall engage in joint rulemaking to jointly adopt a rule or rules imposing capital and margin requirements under the respective provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934 for swap dealers, security-based swap dealers, major swap participants, and major security-based swap participants for which there is a prudential regulator.

(4) BOOKS AND RECORDS.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall engage in joint rulemaking to jointly adopt a rule or rules governing books and records regarding security-based swap agreements, including daily trading records, for swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants.

(5) JOINT RULEMAKING UNDER THIS TITLE.—

(A) COMPARABLE RULES.—Rules and regulations prescribed jointly under this title by the Commodity Futures Trading Commission and the Securities and Exchange Commission shall be comparable to the maximum extent possible, taking into consideration differences in instruments and in the applicable statutory requirements.

(B) CONSULTATION WITH THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Prior to prescribing jointly any rules and regulations under this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall consult with the Board of Governors of the Federal Reserve System.

(6) FINANCIAL STABILITY OVERSIGHT COUNCIL.—In the event that the Commodity Futures Trading Commission and the Securities and Exchange Commission fail to jointly prescribe rules pursuant to paragraphs (1), (2), (3), or (4) of subsection (a) in a timely manner, at the request of either Commission, the Financial Stability Oversight Council shall resolve the dispute—

(A) within a reasonable time after receiving the request;

(B) after consideration of relevant information provided by each Commission; and

(C) by agreeing with one of the Commissions regarding the entirety of the matter or by determining a compromise position.

(7) TREATMENT OF SIMILAR PRODUCTS.—In adopting joint rules and regulations under this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products similarly.

(8) TREATMENT OF DISSIMILAR PRODUCTS.—Nothing in this title shall be construed to require the Commodity Futures Trading Commission and the Securities and Exchange Commission to adopt joint rules that treat functionally or economically different products identically.

(9) JOINT INTERPRETATION.—Any Commission interpretation of, or guidance regarding, a provision of this title, shall be effective only if issued jointly by the Commodity Futures Trading Commission and the Securities and Exchange Commission if this title requires the Commodity Futures Trading Commission and the Securities and Exchange Commission to issue joint regulations to implement the provision.

On page 502, line 15, strike ''**REVIEW OF**'' before ''**REGULATORY AUTHORITY**''.

On page 502, line 16, strike ''(a)'' and insert ''(b)''.

On page 502, line 17, insert ''subsection (a) and'' after ''provided in''.

On page 505, line 7, strike ''(b)'' and insert ''(c)''.

On page 506, strike line 23 and all that follows through ''any other'' on page 507, line 2, and insert the following:

(3) PROHIBITION ON CERTAIN FUTURES ASSOCIATIONS.—Notwithstanding any other

On page 507, strike line 14 and all that follows through page 508, line 2.

On page 508, line 3, strike ''(c)'' and insert ''(d)''.

On page 508, line 8, strike ''(a)'' and insert ''(b)''.

On page 508, line 9, strike ''(b)'' and insert ''(c)''.

On page 509, line 24, strike ''(a)(4) or (b)'' and insert ''(b)(4) or (c)''.

On page 510, line 8, strike ''(d)'' and insert ''(e)''.

On page 510, line 9, strike ''(b) and (c)'' and insert ''(c) and (d)''.

On page 511, line 3, strike ''(e)'' and insert ''(f)''.

On page 511, lines 3 and 4, strike ''(b) and (c)'' and insert ''(c) and (d)''.

On page 511, line 4, insert '' and including subsection (a)'' before '', the Commodity''.

On page 511, line 11, strike ''(f)'' and insert ''(g)''.

On page 511, strike line 20 and all that follows through page 512, line 2.

On page 524, line 6, insert ''issued pursuant to subsection (a)(3)(A)'' after ''other Commission''.

On page 524, lines 11 through 12, strike '', including an order or orders issued under subsection (a)(3)(A),''.

On page 528, lines 11 and 12, strike '', security futures product,''.

On page 528, strike lines 13 through 15.

On page 528, line 16, strike ''(iii)'' and insert ''(ii)''.

On page 528, line 16, strike ''(iv)'' and insert ''(iii)''.

On page 528, strike line 20 and all that follows through ''Act.'' on page 529, line 2.

On page 529, line 19, strike '', security futures product,''.

On page 529, strike lines 20 through 22.

On page 529, line 23, strike ''(III)'' and insert ''(II)''.

On page 530, line 1, strike ''(IV)'' and insert ''(III)''.

On page 530, strike line 5 and all that follows through ''Act.'' on line 13.

On page 530, lines 20 and 21, strike '', security futures product,''.

On page 530, strike line 22 and all that follows through page 531, line 3.

On page 531, line 5, strike ''(iv)'' and insert ''(ii)''.

On page 531, line 5, strike ''(IV) (as so redesignated)'' and insert ''(III)''.

On page 531, line 8, strike ''a semicolon'' and insert the following: ''the following: '; or' ''.

On page 531, line 11, strike ''; or'' and insert a period.

On page 531, strike line 12 and all that follows through ''Act.'' on line 15.

On page 548, lines 9 and 10, strike '', leverage contract authorized under section 19,'' and insert ''or''.

On page 548, line 11, insert ''traded on or subject to the rules of a board of trade designated as a contract market under section 5 or 5f'' after ''product''.

On page 551, strike line 24 and all that follows through page 552, line 14.

On page 552, line 15, strike ''(E)'' and insert ''(D)''.

On page 554, line 14, strike ''(F)'' and insert ''(E)''.

On page 557, line 20, strike ''define—'' and all that follows through ''the term'' on line 21, and insert ''define the term''.

On page 557, line 21, strike "; and" and insert a period.

On page 557, strike lines 22 through 24.

On page 563, line 25, after the first period, insert the following:

"(i) REGULATION OF SWAPS AS SECURITIES UNDER FEDERAL AND STATE LAW.—Nothing in this section or this Act shall limit the jurisdiction conferred on the Securities and Exchange Commission by the Wall Street Transparency and Accountability Act of 2010 with regard to security-based swap agreements, as such agreements are defined in section 3(a)(79) of the Securities Exchange Act of 1934, and security-based swaps.".

On page 565, line 17, strike "and (g)" and insert "(g), (j), and (k)".

On page 565, line 22, strike "and (f)" and insert "(f), and (i)".

On page 566, line 1, insert "by their terms" before "to registered".

On page 566, line 7, after the first period insert the following:

"(f) EXCLUSION FOR SECURITIES.—Notwithstanding any other provision of law, the Wall Street Transparency and Accountability Act of 2010 shall not apply to, and the Commodity Futures Trading Commission shall have no jurisdiction under such Act (or any amendments to the Commodity Exchange Act made by such Act) with respect to any security other than a security-based swap.".

On page 567, line 8, strike "5(b)" and insert "5b".

On page 616, line 15, strike "books and records" and insert "information (including information on a real-time basis)".

On page 616, line 18, delete "8" and insert "24 of the Securities Exchange Act of 1934".

On page 617, between lines 15 and 16, insert the following:

"(ii) foreign financial regulatory authorities;".

On page 617, line 16, strike "(ii)" and insert "(iii)".

On page 617, line 17, strike "(iii)" and insert "(iv)".

On page 629, line 15, delete "8" and insert "24 of the Securities Exchange Act of 1934".

On page 631, between lines 10 and 11, insert the following:

"(ii) foreign financial regulatory authorities, as defined in section 3(a)(52) of the Securities Exchange Act of 1934;".

On page 631, line 11, strike "(ii)" and insert "(iii)".

On page 631, line 12, strike "(iii)" and insert "(iv)".

On page 642, line 3, delete "8" and insert "24 of the Securities Exchange Act of 1934".

On page 646, lines 16 and 17, strike "appropriate Federal banking agency" and insert "prudential regulators".

On page 647, lines 12 and 13, strike "appropriate Federal banking agencies" and insert "prudential regulators".

On page 647, line 23, insert ", in consultation with the prudential regulators," after "Commission".

On page 650, lines 24 and 25, strike "appropriate Federal banking agency" and insert "prudential regulators".

On page 651, lines 24 and 25, strike "appropriate Federal banking agency" and insert "prudential regulators".

On page 652, lines 24 and 25, strike "appropriate Federal banking agencies" and insert "prudential regulators".

On page 676, line 7, before the period insert "taking into consideration the impact of public disclosure on market liquidity".

On page 676, line 20, strike "and".

On page 677, line 2, strike the period and insert "; and".

On page 677, between lines 2 and 3, insert the following:

"(iii) make available to the Securities and Exchange Commission, upon request, all information, including a complete audit trail, relating to transactions in security-based swap agreements (as such term is defined in section 3(a)(79) of the Securities Exchange Act of 1934).".

On page 714, line 10, strike "amended—" and all that follows through "by striking" on line 11, and insert "amended by striking".

On page 714, line 12, strike the semicolon and insert a period.

On page 714, strike lines 13 through 23.

On page 714, line 25, strike "amended—" and all that follows through "by striking" on page 716, line 1, and insert "amended by striking".

On page 715, line 2, strike the semicolon and insert a period.

On page 715, strike lines 3 through 23.

On page 717, line 9, insert "or any agreement, contract, or transaction in one or more securities" after "security".

On page 751, between lines 11 and 12, insert the following:

"(II) the Securities and Exchange Commission;".

On page 751, line 12, strike "(II)" and insert "(III)".

On page 751, line 16, strike "(III)" and insert "(IV)".

On page 751, line 21, strike "(IV)" and insert "(V)".

On page 752, line 1, strike "(V)" and insert "(VI)".

On page 752, line 3, strike "and" after "jurisdiction;".

On page 752, line 4, strike "(VI)" and insert "(VII)".

On page 752, line 4, strike the period and insert "; and".

On page 752, between lines 4 and 5, insert the following:

"(VIII) a foreign financial regulatory authority.".

On page 752, line 7, strike "described in clause (i)" and insert "described in subclauses (I) through (VI) of clause (i)".

On page 752, line 11, after the period insert the following: "Each of the entities described in subclauses (VII) and (VIII) of clause (i) shall maintain such information in accordance with such assurances of confidentiality as the Commission determines appropriate."

On page 761, line 24, strike "standards" and insert "principles".

On page 767, line 18, insert "(without regard to paragraph (47)(B)(x) of such section)" after "Exchange Act".

On page 768, line 4, insert "or single obligor on a loan" after "a security".

On page 768, line 4, insert "or obligors on loans" after "securities".

On page 768, line 9, insert "or obligor" after "issuer".

On page 769, line 5, strike "references," and insert "reference or".

On page 769, beginning line 6, strike ", or settles through the transfer" and all that follows through "other option" on line 16 and insert "a government security".

On page 769, line 17, strike "(D) MIXED SWAP.—The term" and insert the following:

"(D) MIXED SWAP.—

"(i) IN GENERAL.—The term".

On page 770, between lines 6 and 7, insert the following:

"(ii) RULE OF CONSTRUCTION.—A security-based swap shall not constitute, nor be construed to constitute, a mixed swap solely because the obligations or rights of 1 party to the swap agreement are defined by reference to 1 or more interest rates or currencies.

"(E) RULE OF CONSTRUCTION REGARDING USE OF THE TERM INDEX.—The term 'index' means an index or group of securities, including any interest therein or based on the value thereof.".

On page 775, strike lines 7 through 19.

On page 776, after line 25, insert the following:

(c) CONFORMING AMENDMENTS TO GRAMM-LEACH-BLILEY.—Section 206A(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) is amended in the material preceding paragraph (1), by striking "Except as" and all that follows through "that—"and inserting the following: "Except as provided in subsection (b), as used in this section, the term 'swap agreement' means any agreement, contract, or transaction that—".

On page 776, line 1, strike "(b)" and insert "(c)"

On page 777, line 1, strike "(c)" and insert "(d)".

On page 780, line 3, insert ", in each place that such terms appear" before the semicolon.

On page 783, lines 5 through 6, strike ", subject to the requirements of section 5(b)".

On page 783, line 8, insert "registered" before "clearing agency".

On page 786, line 14, strike "accepted" and insert "approved".

On page 789, line 22, strike "listed" and insert "accepted".

On page 790, line 15, strike "authorize" and insert "authorizes".

On page 790, line 16, strike "list" and insert "accept".

On page 794, line 9, strike "from" and insert "for".

On page 809, strike line 14 through 16, and insert the following:

"(k) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a clearing".

On page 810, strike lines 3 through 18.

On page 832, line 5, strike "as described in paragraph (68) of section 3(a)".

On page 833 lines 18 and 19, strike "or narrow-based security narrow-based security index".

On page 834, line 1, strike "narrow-based security".

On page 834, line 3, strike "and".

On page 834, between lines 3 and 4, insert the following:

"(ii) any security or group or index of securities the price, yield, value or volatility of which, or of which any interest therein, is the basis for a material term of such security-based swap; and".

On page 834, line 4, strike "(ii)" and insert "(iii)".

On page 834, line 4, strike "security-based swap and any".

On page 834, line 6, strike "narrow-based security".

On page 834, line 7, insert "described under subparagraph (B)(ii)" after "securities".

On page 834, line 13, strike "or narrow-based security index".

On page 834, lines 18 and 19, strike "or narrow-based security index".

On page 834, lines 20 and 21, strike "or narrow-based security index".

On page 843, between lines 8 and 9, insert the following:

"(II) foreign financial regulatory authorities;".

On page 843, line 9, strike "(II)" and insert "(III)".

On page 843, line 9, strike "(III)" and insert "(IV)".

On page 843, lines 11 and 12, strike "AND IDEMNIFICATION AGREEMENT".

On page 843, line 15, strike "(G)—" and all that follows through "the security-based" on line 16, and insert the following: "(G), the security-based".

On page 843, line 22, strike "; and" and insert a period.

On page 843, strike line 23 and all that follows through page 844, line 2.

On page 853, lines 6 and 7, strike "appropriate Federal banking agency" and insert "prudential regulators".

On page 854, lines 5 and 6, strike "appropriate Federal banking agencies" and insert "prudential regulators".

On page 854, line 18, insert '', in consultation with the prudential regulators,'' after ''Commission''.

On page 857, lines 17 and 18, strike ''appropriate Federal banking agency'' and insert ''prudential regulators''.

On page 858, lines 15 and 16, strike ''appropriate Federal banking agency'' and insert ''prudential regulators''.

On page 859, lines 5 and 6, strike ''appropriate Federal banking agencies'' and insert ''prudential regulators''.

On page 859, line 7, strike ''Securities and Exchange'' and insert ''Commodity Futures Trading''.

On page 886, line 4, insert ''or other derivative instrument'' after ''security-based swap''.

On page 886, lines 4 through 5, insert ''or has defined,'' after ''Commission may define,''.

On page 886, line 10, insert ''as the Commission may designate or has designated by rule'' after ''section (d)(1)''.

On page 886, line 14, strike ''(1)'' after ''13(f)''.

On page 886, line 15, strike ''(1)'' and all that follows through ''section (d)(1) of this section'' on line 20 and insert the following:

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''accounts holding''; and

(B) by inserting ''or (B) security-based swaps or other derivative securities that the Commission may determine or has determined by rule, having such values as the Commission, by rule, may determine'' after ''less than $10,000,000) as the Commission, by rule, may determine.''; and

(2) in paragraph (3), by striking ''section 13(d)(1) of this title'' and inserting ''subsection (d)(1) of this section and of security-based swaps or other derivative instruments that the Commission may determine by rule.''.

On page 892, line 23, strike ''the Commission'' and insert ''Unless the Commission is expressly authorized, the Commission''.

On page 892, line 24, insert ''any provision described in this subsection with respect to subtitle B'' after ''from''.

On page 892, line 24, strike ''the security-based swap provisions''.

On page 893, lines 1 and 2, strike ''except as expressly authorized under the provisions of that Act'' and insert ''with respect to paragraphs 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 79 of section 3(a), and sections 10B(a), 10B(b), 10B(c), 13A, 15F, 17A(g), 17A(h), 17A(i), 17A(j), 17A(k), 17A(l); provided that the Commission also shall have exemptive authority under that Act with respect to security-based swaps as to the same matters that the Commodity Futures Trading Commission has under that Act with respect to swaps, including under section 4(c) of the Commodity Exchange Act''.

On page 893, line 2, after the first period insert the following:

''(d) EXPRESS AUTHORITY.—The Commission is expressly authorized to use any authority granted to the Commission under subsection (a) to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of this title, or of any rule or regulation thereunder, that applies to such person, security, or transaction solely because a 'security-based swap' is a 'security' under section 3(a).''.

On page 548, line 11, insert ''traded on or subject to the rules of a board of trade designated as a contract market under section 5 or 5f, leverage contract authorized under section 19,'' after ''product''.

On page 551, line 5, strike ''subparagraph (D)'' and insert ''other than a security-based swap as described in section 3(a)(68)(D) of the Securities Exchange Act of 1934''.

On page 616, line 2, insert ''**AND SECURITY-BASED SWAPS**'' after ''**AGREEMENTS**''.

On page 616, line 13, insert ''or security-based swaps (as defined in section 3(a)(68) of the Securities Exchange Act of 1934)'' after ''Act)''.

On page 616, line 16, insert ''or security-based swaps'' after ''agreements''.

On page 616, line 18, delete ''8'' and insert ''24 of the Securities Exchange Act of 1934''.

On page 835, strike line 3 and all that follows through page 839, line 12.

On page 887, strike lines 8–25.

SA 4085. Mr. HARKIN (for himself, Mr. SANDERS, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1077. FAIR ATM FEES.

(a) AMENDMENT TO THE ELECTRONIC FUND TRANSFER ACT.—Section 904(d)(3) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)(3)) is amended—

(1) in subparagraph (A), by striking the subparagraph heading and inserting the following:

''(A) FEE DISCLOSURE.—'' ;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) REGULATION OF FEES.—The regulations prescribed under paragraph (1) shall require any fee charged by an automated teller machine operator for a transaction conducted at that automated teller machine to bear a reasonable relation to the cost of processing the transaction.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective not later than 6 months after the date of enactment of this Act.

(c) RULEMAKING.—The Bureau shall issue such rules as may be necessary to carry out this section, not later than 6 months after the date of enactment of this Act.

SA 4086. Ms. CANTWELL (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, line 21, insert before ''In adopting'' the following: ''Except as provided in paragraphs (3) and (10), any swap that is required to be cleared is unlawful unless the swap is cleared.''.

On page 705, line 19, insert before the period the following: ''unless there is a knowing failure by a party to comply with, or reckless disregard for, the terms and conditions of section 2(f) or regulations of the Commission''.

On page 705, line 20, strike ''No agreement'' and insert the following: ''Unless there is a knowing failure by a party to comply with, or a reckless disregard for, the definition of the term 'swap' under section 1(a) or the requirements of section 2(h)(1), no agreement''.

On page 708, line 17, strike ''and other prudential requirements of this Act,''.

SA 4087. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 1, strike ''substantially'' and insert ''predominantly''.

On page 20, beginning on line 2, strike ''activities'' and all that follows through line 5, and insert ''financial activities, as defined in paragraph (6).''.

On page 20, line 17, strike ''substantially'' and all that follows through the end of line 20, and insert ''predominantly engaged in financial activities as defined in paragraph (6).''.

On page 21, line 11, strike ''(6)'' and insert the following:

(6) PREDOMINANTLY ENGAGED.—A company is ''predominantly engaged in financial activities'' if—

(A) the annual gross revenues derived by the company and all of its subsidiaries from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) or are incidental to a financial activity, and, if applicable, from the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated annual gross revenues of the company; or

(B) the consolidated assets of the company and all of its subsidiaries related to activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) or are incidental to a financial activity, and, if applicable, related to the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated assets of the company.

(7)

On page 21, line 16, strike ''criteria'' and all the follows through line 22, and insert ''requirements for determining if a company is predominantly engaged in financial activities, as defined in paragraph (6).''.

On page 37, line 3, strike ''(c)'' and insert the following:

(c) ANTI-EVASION.—

(1) DETERMINATIONS.—In order to avoid evasion of this Act, the Council, on its own initiative or at the request of the Board of Governors, may determine, on a nondelegable basis and by a vote of not fewer than ⅔ of the members then serving, including an affirmative vote by the Chairperson, that—

(A) material financial distress related to financial activities conducted directly or indirectly by a company incorporated or organized under the laws of the United States or any State or the financial activities in the United States of a company incorporated or organized in a country other than the United States would pose a threat to the financial stability of the United States based on consideration of the factors in subsection (b)(2);

(B) the company is organized or operates in a manner that evades the application of this Act; and

(C) such financial activities of the company shall be supervised by the Board of Governors and subject to prudential standards in accordance with this title.

(2) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION; JUDICIAL REVIEW.—Subsections (d), (f), and (g) shall apply to determinations made by the Council pursuant to paragraph (1) in the same manner as such subsections apply to nonbank financial companies.

(3) COVERED FINANCIAL ACTIVITIES.—For purposes of this subsection, the term ''financial activities'' means activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and related to the ownership or control of one or more insured depository institutions and shall not include internal financial activities conducted for the company or any affiliates thereof including internal treasury, investment, and employee benefit functions.

(4) TREATMENT AS A NONBANK FINANCIAL COMPANY.—

(A) ONLY FINANCIAL ACTIVITIES SUBJECT TO PRUDENTIAL SUPERVISION.—Nonfinancial activities of the company shall not be subject to supervision by the Board of Governors and prudential standards of the Board. For purposes of this Act, the financial activities that are the subject of the determination in paragraph (1) shall be subject to the same requirements as a nonbank financial company. Nothing in this paragraph shall prohibit or limit the authority of the Board of Governors to apply prudential standards under this title to the financial activities that are subject to the determination in paragraph (1).

(B) CONSOLIDATED SUPERVISION OF ONLY FINANCIAL ACTIVITIES.—To facilitate the supervision of the financial activities subject to the determination in paragraph (1), the Board of Governors may require a company to establish an intermediate holding company, as provided for in section 167, which would be subject to the supervision of the Board of Governors and to prudential standards under this title.

(d)

On page 37, line 15, strike ''(d)'' and insert ''(e)''.

On page 39, line 3, strike ''(e)'' and insert ''(f)''.

On page 40, line 13, strike ''(f)'' and insert ''(g)''.

On page 40, line 21, strike ''(g)'' and insert ''(h)''.

SA 4088. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, strike lines 1 through 12 and insert the following:

(3) the term ''sponsoring''—

(A) when used with respect to a hedge fund or private equity fund, means—

(i) serving as a general partner, managing member, or trustee of the fund;

(ii) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(iii) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name; and

(B) does not include an activity of a banking entity with respect to a hedge fund or private equity fund, if—

(i) the banking entity provides bona fide trust, fiduciary or investment advisory services;

(ii) the fund is sponsored and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

(iii) the banking entity does not acquire or retain an equity interest, economic partnership interest, or ownership interest in the fund, other than a partnership or ownership interest acquired or retained solely in connection with the provision of bona fide trust, fiduciary, or investment advisory services;

(iv) the banking entity does not enter into or otherwise engage in any transaction with the fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

(v) the obligations of the fund are not guaranteed, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity; and

(vi) the banking entity does not share with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

SA 4089. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 567, line 8, strike ''5(b)'' and insert ''5b''.

SA 4090. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY AND REPORT ON A FEDERAL CHARTER FOR NONBANK FINANCIAL SERVICES BUSINESSES.

(a) STUDY REQUIRED.—The research unit established by the Director under section 1013 shall conduct a study on the feasibility of establishing a Federal charter for nonbank financial services businesses that offer credit products and other financial services and products to consumers and small businesses that are unbanked, underbanked, or have low credit scores, low credit ratings, or below average credit histories (in this section, referred to as ''underserved borrowers''), including an analysis of—

(1) common credit products and other financial services and products available to underserved borrowers and the true availability and costs of such products and services to all underserved borrowers;

(2) the true costs and expenses (including loan losses) of creditors in providing credit products and other financial services and products to underserved borrowers;

(3) the merits, both positive and negative, of establishing a Federal charter to enable nonbank financial services businesses to provide reasonable and fair credit products and other financial products and services to underserved borrowers in a manner that is economically viable to nonbank financial services businesses; and

(4) the potential statutory and regulatory framework for establishing a Federal charter for nonbank financial services businesses that could reduce the costs for such businesses to offer and deliver such products and services to underserved borrowers and provide underserved borrowers throughout the Nation with a reasonable and fair opportunity to access credit and other financial services and products, and in turn build their credit scores and histories.

(b) REPORT TO THE BUREAU.—Not later than 1 year after the date of enactment of this Act, the research unit established under section 1013 shall—

(1) provide to the Bureau a report on the results of the study conducted under subsection (a), together with—

(A) a recommendation as to whether or not it would be in the best interests of all underserved borrowers to establish a Federal charter for nonbank financial services businesses to provide credit products and other financial products and services to underserved borrowers; and

(B) a recommendation for the statutory and regulatory framework for such a charter; and

(2) make such report available to the public.

SA 4091. Mr. JOHNSON (for himself, Ms. LANDRIEU, Mr. BURRIS, Mr. BROWNBACK, Ms. MURKOWSKI, Mr. CRAPO, Mr. ROBERTS, Mr. COBURN, Mr. TESTER, Mr. BROWN of Ohio, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 14, strike ''risks.'' and insert the following: ''risks, except that the Board of Governors may not prescribe standards under this title that limit fully secured extensions of credit by a Federal Home Loan Bank to any member or former member of the Federal Home Loan Bank made in compliance with the regulations of the Federal Housing Finance Agency.''

SA 4092. Mr. CHAMBLISS (for Mrs. LINCOLN) submitted an amendment intended to be proposed by Mr. CHAMBLISS to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Strike title VIII and insert the following:

TITLE VIII—PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Payment, Clearing, and Settlement Supervision Act of 2010''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) The proper functioning of the financial markets is dependent upon safe and efficient arrangements for the clearing and settlement of payment, securities, and other financial transactions.

(2) Financial market utilities that conduct or support multilateral payment, clearing, or settlement activities may reduce risks for their participants and the broader financial system, but such utilities may also concentrate and create new risks and thus must be well designed and operated in a safe and sound manner.

(3) Payment, clearing, and settlement activities conducted by financial institutions also present important risks to the participating financial institutions and to the financial system.

(4) Enhancements to the regulation and supervision of systemically important financial market utilities and the conduct of systemically important payment, clearing, and settlement activities by financial institutions are necessary—

(A) to provide consistency;

(B) to promote robust risk management and safety and soundness;

(C) to reduce systemic risks; and

(D) to support the stability of the broader financial system.

SEC. 803. DEFINITIONS.

In this title, the following definitions shall apply:

(1) DESIGNATED ACTIVITY.—The term ''designated activity'' means a payment, clearing, or settlement activity (other than a payment, clearing, or settlement activity that is regulated by the Commodity Futures Trading Commission or the Securities and Exchange Commission) that the Council has designated as systemically important under section 804.

(2) DESIGNATED FINANCIAL MARKET UTILITY.—The term ''designated financial market utility'' means a financial market utility that the Council has designated as systemically important under section 804.

(3) FINANCIAL INSTITUTION.—The term ''financial institution'' means—

(A) a depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(B) a branch or agency of a foreign bank, as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101);

(C) an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a and 611 through 631);

(D) a credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(E) a broker or dealer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(F) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3);

(G) an insurance company, as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2);

(H) an investment adviser, as defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2);

(I) a futures commission merchant, commodity trading advisor, or commodity pool operator, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

(J) any company engaged in activities that are financial in nature or incidental to a financial activity, as described in section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(4) FINANCIAL MARKET UTILITY.—The term ''financial market utility'' means any person that manages or operates a multilateral system for the purpose of transferring, clearing, or settling payments, securities, or other financial transactions among financial institutions or between financial institutions and the person.

(5) PAYMENT, CLEARING, OR SETTLEMENT ACTIVITY.—

(A) IN GENERAL.—The term ''payment, clearing, or settlement activity'' means an activity carried out by 1 or more financial institutions to facilitate the completion of financial transactions.

(B) FINANCIAL TRANSACTION.—For the purposes of subparagraph (A), the term ''financial transaction'' includes—

(i) funds transfers;

(ii) securities contracts;

(iii) contracts of sale of a commodity for future delivery;

(iv) forward contracts;

(v) repurchase agreements;

(vi) swaps;

(vii) security-based swaps;

(viii) foreign exchange swaps and forwards; and

(ix) any similar transaction that the Council determines to be a financial transaction for purposes of this title.

(C) INCLUDED ACTIVITIES.—When conducted with respect to a financial transaction, payment, clearing, and settlement activities may include—

(i) the calculation and communication of unsettled financial transactions between counterparties;

(ii) the netting of transactions;

(iii) provision and maintenance of trade, contract, or instrument information;

(iv) the management of risks and activities associated with continuing financial transactions;

(v) transmittal and storage of payment instructions;

(vi) the movement of funds;

(vii) the final settlement of financial transactions; and

(viii) other similar functions that the Council may determine.

(6) SUPERVISORY AGENCY.—

(A) IN GENERAL.—The term ''Supervisory Agency'' means the Federal agency that has primary jurisdiction over a designated financial market utility under Federal banking, securities, or commodity futures laws, including—

(i) the Securities and Exchange Commission, with respect to a designated financial market utility that is registered with the Securities and Exchange Commission;

(ii) the Commodity Futures Trading Commission, with respect to a designated financial market utility that is registered with the Commodity Futures Trading Commission;

(iii) the appropriate Federal banking agency, with respect to a designated financial market utility that is an institution described in section 3(q) of the Federal Deposit Insurance Act; and

(iv) the Board of Governors, with respect to a designated financial market utility that is otherwise not subject to the jurisdiction of any agency listed in clauses (i), (ii), and (iii).

(B) MULTIPLE AGENCY JURISDICTION.—

(i) If a designated financial market utility is subject to the primary jurisdictional supervision of more than 1 agency listed in clauses (iii) or (iv) of subparagraph (A), then such agencies should agree on 1 agency to act as the Supervisory Agency, and if such agencies cannot agree on which agency has primary jurisdiction, the Council shall decide which agency is the Supervisory Agency for purposes of this title.

(ii) If a designated financial market utility is subject to the primary jurisdictional supervision of more than 1 agency listed in clauses (i) through (iv) of subparagraph (A), and such designated financial market utility is registered with either the Commodity Futures Trading Commission or the Securities and Exchange Commission, the Commodity Futures Trading Commission or the Securities and Exchange Commission, as applicable, shall be the Supervisory Agency for purposes of this title. If the designated financial market utility is registered with both the Commodity Futures Trading Commission and the Securities and Exchange Commission, then the agency which oversees the predominance of the payment, clearing, and settlement activities conducted by the designated financial market utility shall be the Supervisory Agency for purposes of this title.

(7) SYSTEMICALLY IMPORTANT AND SYSTEMIC IMPORTANCE.—The terms ''systemically important'' and ''systemic importance'' mean a situation where the failure of or a disruption to the functioning of a financial market utility or the conduct of a payment, clearing, or settlement activity could create, or increase, the risk of significant liquidity or credit problems spreading among financial institutions or markets and thereby threaten the stability of the financial system.

SEC. 804. DESIGNATION OF SYSTEMIC IMPORTANCE.

(a) DESIGNATION.—

(1) FINANCIAL STABILITY OVERSIGHT COUNCIL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson, shall designate those financial market utilities or payment, clearing, or settlement activities that the Council determines are, or are likely to become, systemically important.

(2) CONSIDERATIONS.—In determining whether a financial market utility or payment, clearing, or settlement activity is, or is likely to become, systemically important, the Council shall take into consideration the following:

(A) The aggregate monetary value of transactions processed by the financial market utility or carried out through the payment, clearing, or settlement activity.

(B) The aggregate exposure of the financial market utility or a financial institution engaged in payment, clearing, or settlement activities to its counterparties.

(C) The relationship, interdependencies, or other interactions of the financial market utility or payment, clearing, or settlement activity with other financial market utilities or payment, clearing, or settlement activities.

(D) The effect that the failure of or a disruption to the financial market utility or payment, clearing, or settlement activity would have on critical markets, financial institutions, or the broader financial system.

(E) Any other factors that the Council deems appropriate.

(b) RESCISSION OF DESIGNATION.—

(1) IN GENERAL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson, shall rescind a designation of systemic importance for a designated financial market utility or designated activity if the Council determines that the utility or activity no longer meets the standards for systemic importance.

(2) EFFECT OF RESCISSION.—Upon rescission, the financial market utility or financial institutions conducting the activity will no longer be subject to the provisions of this title or any rules or orders prescribed by the Council under this title.

(c) CONSULTATION AND NOTICE AND OPPORTUNITY FOR HEARING.—

(1) CONSULTATION.—Before making any determination under subsection (a) or (b), the Council shall consult with the relevant Supervisory Agency.

(2) ADVANCE NOTICE AND OPPORTUNITY FOR HEARING.—

(A) IN GENERAL.—Before making any determination under subsection (a) or (b), the Council shall provide the financial market utility or, in the case of a payment, clearing, or settlement activity, financial institutions with advance notice of the proposed determination of the Council.

(B) NOTICE IN FEDERAL REGISTER.—The Council shall provide such advance notice to financial institutions by publishing a notice in the Federal Register.

(C) REQUESTS FOR HEARING.—Within 30 days from the date of any notice of the proposed determination of the Council, the financial market utility or, in the case of a payment, clearing, or settlement activity, a financial institution engaged in the designated activity may request, in writing, an opportunity for a written or oral hearing before the Council to demonstrate that the proposed designation or rescission of designation is not supported by substantial evidence.

(D) WRITTEN SUBMISSIONS.—Upon receipt of a timely request, the Council shall fix a time, not more than 30 days after receipt of the request, unless extended at the request of the financial market utility or financial institution, and place at which the financial market utility or financial institution may appear, personally or through counsel, to submit written materials, or, at the sole discretion of the Council, oral testimony or oral argument.

(3) EMERGENCY EXCEPTION.—

(A) WAIVER OR MODIFICATION BY VOTE OF THE COUNCIL.—The Council may waive or modify the requirements of paragraph (2) if the Council determines, by an affirmative vote of not less than ⅔ of all members then serving, including an affirmative vote by the Chairperson, that the waiver or modification is necessary to prevent or mitigate an immediate threat to the financial system posed by the financial market utility or the payment, clearing, or settlement activity.

(B) NOTICE OF WAIVER OR MODIFICATION.—The Council shall provide notice of the waiver or modification to the financial market utility concerned or, in the case of a payment, clearing, or settlement activity, to financial institutions, as soon as practicable, which shall be no later than 24 hours after the waiver or modification in the case of a financial market utility and 3 business days in the case of financial institutions. The Council shall provide the notice to financial institutions by posting a notice on the website of the Council and by publishing a notice in the Federal Register.

(d) NOTIFICATION OF FINAL DETERMINATION.—

(1) AFTER HEARING.—Within 60 days of any hearing under subsection (c)(2), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing, which shall include findings of fact upon which the determination of the Council is based.

(2) WHEN NO HEARING REQUESTED.—If the Council does not receive a timely request for a hearing under subsection (c)(2), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing not later than 30 days after the expiration of the date by which a financial market utility or a financial institution could have requested a hearing. All notices to financial institutions under this subsection shall be published in the Federal Register.

(e) EXTENSION OF TIME PERIODS.—The Council may extend the time periods established in subsections (c) and (d) as the Council determines to be necessary or appropriate.

SEC. 805. STANDARDS FOR SYSTEMICALLY IMPORTANT DESIGNATED FINANCIAL MARKET UTILITIES AND PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.

(a) AUTHORITY TO PRESCRIBE STANDARDS.—The Board of Governors, by rule or order, and in consultation with the Council and the Supervisory Agencies, shall prescribe risk management standards, taking into consideration relevant international standards and existing prudential requirements, governing—

(1) the operations related to the payment, clearing, and settlement activities of designated financial market utilities other than designated financial market utilities for which the Supervisory Agency is either the Commodity Futures Trading Commission or the Securities and Exchange Commission; and

(2) the conduct of designated activities by financial institutions.

(b) RECOMMENDED STANDARDS.—

(1) IN GENERAL.—The Council may recommend risk management standards regarding the operations of payment, clearing, and settlement activities of designated financial market utilities for which the Commodity Futures Trading Commission or the Securities and Exchange Commission is the Supervisory Agency, taking into consideration relevant international standards and existing prudential requirements.

(2) PROCEDURE FOR RECOMMENDATION.—The Council shall consult with the Commodity Futures Trading Commission or the Securities and Exchange Commission, as applicable, and shall provide notice to the public and opportunity for comment for any proposed recommendation under paragraph (1).

(3) CONSIDERATION AND IMPLEMENTATION.—The Commodity Futures Trading Commission or the Securities and Exchange Commission, as applicable, may impose the standards recommended by the Council under paragraph (1), or shall explain in writing to the Council, not later than 90 days after the date on which it receives the Council's recommendation, why the agency has determined not to follow the recommendation of the Council.

(c) OBJECTIVES AND PRINCIPLES.—The objectives and principles for the risk management standards prescribed under subsection (a) or recommended under subsection (b) shall be to—

(1) promote robust risk management;

(2) promote safety and soundness;

(3) reduce systemic risks; and

(4) support the stability of the broader financial system.

(d) SCOPE.—The standards prescribed under subsection (a) or recommended under subsection (b) may address areas such as—

(1) risk management policies and procedures;

(2) margin and collateral requirements;

(3) participant or counterparty default policies and procedures;

(4) the ability to complete timely clearing and settlement of financial transactions;

(5) capital and financial resource requirements for designated financial market utilities; and

(6) other areas that the Board of Governors determines are necessary to achieve the objectives and principles in subsection (c).

(e) THRESHOLD LEVEL.—The standards prescribed under subsection (a) governing the conduct of designated activities by financial institutions shall, where appropriate, establish a threshold as to the level or significance of engagement in the activity at which a financial institution will become subject to the standards with respect to that activity.

(f) COMPLIANCE REQUIRED.—Designated financial market utilities and financial institutions subject to the standards prescribed by the Board of Governors under subsection (a) for a designated activity shall conduct their operations in compliance with the applicable risk management standards prescribed by the Board of Governors.

SEC. 806. OPERATIONS OF DESIGNATED FINANCIAL MARKET UTILITIES.

(a) FEDERAL RESERVE ACCOUNT AND SERVICES.—The Board of Governors may authorize a Federal Reserve Bank to establish and maintain an account for a designated financial market utility and provide services to the designated financial market utility that the Federal Reserve Bank is authorized under the Federal Reserve Act to provide to a depository institution, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(b) ADVANCES.—The Board of Governors may authorize a Federal Reserve Bank to provide to a designated financial market utility the same discount and borrowing privileges as the Federal Reserve Bank may provide to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(c) EARNINGS ON FEDERAL RESERVE BALANCES.—A Federal Reserve Bank may pay earnings on balances maintained by or on behalf of a designated financial market utility in the same manner and to the same extent as the Federal Reserve Bank may pay earnings to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(d) RESERVE REQUIREMENTS.—The Board of Governors may exempt a designated financial market utility from, or modify any, reserve requirements under section 19 of the Federal Reserve Act (12 U.S.C. 461) applicable to a designated financial market utility.

(e) CHANGES TO RULES, PROCEDURES, OR OPERATIONS.—

(1) ADVANCE NOTICE.—

(A) ADVANCE NOTICE OF PROPOSED CHANGES REQUIRED.—A designated financial market utility shall provide 60-days' advance notice to its Supervisory Agency and the Board of Governors of any proposed change to its rules, procedures, or operations that could, as defined in rules of the Board of Governors, materially affect, the nature or level of risks presented by the designated financial market utility.

(B) TERMS AND STANDARDS PRESCRIBED BY THE BOARD OF GOVERNORS.—The Board of Governors shall prescribe regulations that define and describe the standards for determining when notice is required to be provided under subparagraph (A).

(C) CONTENTS OF NOTICE.—The notice of a proposed change shall describe—

(i) the nature of the change and expected effects on risks to the designated financial market utility, its participants, or the market; and

(ii) how the designated financial market utility plans to manage any identified risks.

(D) ADDITIONAL INFORMATION.—The Supervisory Agency or the Board of Governors may require a designated financial market utility to provide any information necessary to assess the effect the proposed change would have on the nature or level of risks associated with the designated financial market utility's payment, clearing, or settlement activities and the sufficiency of any proposed risk management techniques.

(E) NOTICE OF OBJECTION.—The Supervisory Agency or the Board of Governors shall notify the designated financial market utility of any objection regarding the proposed change within 60 days from the later of—

(i) the date that the notice of the proposed change is received; or

(ii) the date any further information requested for consideration of the notice is received.

(F) CHANGE NOT ALLOWED IF OBJECTION.—A designated financial market utility shall not implement a change to which the Board of Governors or the Supervisory Agency has an objection.

(G) CHANGE ALLOWED IF NO OBJECTION WITHIN 60 DAYS.—A designated financial market utility may implement a change if it has not received an objection to the proposed change within 60 days of the later of—

(i) the date that the Supervisory Agency or the Board of Governors receives the notice of proposed change; or

(ii) the date the Supervisory Agency or the Board of Governors receives any further information it requests for consideration of the notice.

(H) REVIEW EXTENSION FOR NOVEL OR COMPLEX ISSUES.—The Supervisory Agency or the Board of Governors may, during the 60-day review period, extend the review period for an additional 60 days for proposed changes that raise novel or complex issues, subject to the Supervisory Agency or the Board of Governors providing the designated financial market utility with prompt written notice of the extension. Any extension under this subparagraph will extend the time periods under subparagraphs (E) and (G).

(I) CHANGE ALLOWED EARLIER IF NOTIFIED OF NO OBJECTION.—A designated financial market utility may implement a change in less than 60 days from the date of receipt of the notice of proposed change by the Supervisory Agency or the Board of Governors, or the date the Supervisory Agency or the Board of Governors receives any further information it requested, if the Supervisory Agency or the Board of Governors notifies the designated financial market utility in writing that it does not object to the proposed change and authorizes the designated financial market utility to implement the change on an earlier date, subject to any conditions imposed by the Supervisory Agency or the Board of Governors.

(2) EMERGENCY CHANGES.—

(A) IN GENERAL.—A designated financial market utility may implement a change that would otherwise require advance notice under this subsection if it determines that—

(i) an emergency exists; and

(ii) immediate implementation of the change is necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(B) NOTICE REQUIRED WITHIN 24 HOURS.—The designated financial market utility shall provide notice of any such emergency change to its Supervisory Agency and the Board of Governors, as soon as practicable, which shall be no later than 24 hours after implementation of the change.

(C) CONTENTS OF EMERGENCY NOTICE.—In addition to the information required for changes requiring advance notice, the notice of an emergency change shall describe—

(i) the nature of the emergency; and

(ii) the reason the change was necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(D) MODIFICATION OR RESCISSION OF CHANGE MAY BE REQUIRED.—The Supervisory Agency or the Board of Governors may require modification or rescission of the change if it finds that the change is not consistent with the purposes of this Act or any rules, orders, or standards prescribed by the Board of Governors hereunder.

(3) COPYING THE BOARD OF GOVERNORS.—The Supervisory Agency shall provide the Board of Governors concurrently with a complete copy of any notice, request, or other information it issues, submits, or receives under this subsection.

(4) CONSULTATION WITH BOARD OF GOVERNORS.—Before taking any action on, or completing its review of, a change proposed by a designated financial market utility, the Supervisory Agency shall consult with the Board of Governors.

(f) APPLICABILITY.—Nothing in this section shall be applicable to any designated financial market utility for which the Supervisory Agency is the Commodity Futures Trading Commission or the Securities and Exchange Commission. Notwithstanding the previous sentence, nothing in this subsection shall limit or be construed to limit the authority of the Board under section 13(3) of the Federal Reserve Act (12 U.S.C. 343).

SEC. 807. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST DESIGNATED FINANCIAL MARKET UTILITIES.

(a) EXAMINATION.—Notwithstanding any other provision of law and subject to subsection (d), the Supervisory Agency shall conduct examinations of a designated financial market utility at least once annually in order to determine the following:

(1) The nature of the operations of, and the risks borne by, the designated financial market utility.

(2) The financial and operational risks presented by the designated financial market utility to financial institutions, critical markets, or the broader financial system.

(3) The resources and capabilities of the designated financial market utility to monitor and control such risks.

(4) The safety and soundness of the designated financial market utility.

(5) For a designated financial market utility for which the Supervisory Agency is not the Commodity Futures Trading Commission or the Securities and Exchange Commission, the designated financial market utility's compliance with—

(A) this title; and

(B) the rules and orders prescribed by the Board of Governors under this title.

(b) SERVICE PROVIDERS.—Whenever a service integral to the operation of a designated financial market utility is performed for the designated financial market utility by another entity, whether an affiliate or non-affiliate and whether on or off the premises of the designated financial market utility, the Supervisory Agency may examine whether the provision of that service is in compliance with applicable law, rules, orders, and standards to the same extent as if the designated financial market utility were performing the service on its own premises.

(c) ENFORCEMENT.—For purposes of enforcing the provisions of this section, a designated financial market utility shall be subject to, and the appropriate Supervisory Agency shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Supervisory Agency was the appropriate Federal banking agency for such insured depository institution.

(d) BOARD OF GOVERNORS INVOLVEMENT IN EXAMINATIONS.—

(1) BOARD OF GOVERNORS CONSULTATION ON EXAMINATION PLANNING.—The Supervisory Agency shall consult with the Board of Governors regarding the scope and methodology of any examination conducted under subsections (a) and (b).

(2) BOARD OF GOVERNORS PARTICIPATION IN EXAMINATION.—The Board of Governors may, in its discretion, participate in any examination led by a Supervisory Agency and conducted under subsections (a) and (b).

(e) BOARD OF GOVERNORS ENFORCEMENT RECOMMENDATIONS.—

(1) RECOMMENDATION.—The Board of Governors may at any time recommend to the Supervisory Agency that such agency take enforcement action against a designated financial market utility. Any such recommendation for enforcement action shall provide a detailed analysis supporting the recommendation of the Board of Governors.

(2) CONSIDERATION.—The Supervisory Agency shall consider the recommendation of the Board of Governors and submit a response to the Board of Governors within 60 days.

(3) MEDIATION.—If the Supervisory Agency rejects, in whole or in part, the recommendation of the Board of Governors, the Board of Governors may dispute the matter by referring the recommendation to the Council, which shall attempt to resolve the dispute.

(4) ENFORCEMENT ACTION.—If the Council is unable to resolve the dispute under paragraph (3) within 30 days from the date of referral, the Board of Governors may, upon a vote of its members—

(A) exercise the enforcement authority referenced in subsection (c) as if it were the Supervisory Agency; and

(B) take enforcement action against the designated financial market utility.

(f) EMERGENCY ENFORCEMENT ACTIONS BY THE BOARD OF GOVERNORS.—

(1) IMMINENT RISK OF SUBSTANTIAL HARM.—The Board of Governors may, after consulting with the Council and the Supervisory Agency, take enforcement action against a designated financial market utility if the Board of Governors has reasonable cause to believe that—

(A) either—

(i) an action engaged in, or contemplated by, a designated financial market utility (including any change proposed by the designated financial market utility to its rules, procedures, or operations that would otherwise be subject to section 806(e)) poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; or

(ii) the condition of a designated financial market utility, poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; and

(B) the imminent risk of substantial harm precludes the Board of Governors' use of the procedures in subsection (e).

(2) ENFORCEMENT AUTHORITY.—For purposes of taking enforcement action under paragraph (1), a designated financial market utility shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the

same extent as if the designated financial market utility was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(3) PROMPT NOTICE TO SUPERVISORY AGENCY OF ENFORCEMENT ACTION.—Within 24 hours of taking an enforcement action under this subsection, the Board of Governors shall provide written notice to the designated financial market utility's Supervisory Agency containing a detailed analysis of the action of the Board of Governors, with supporting documentation included.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to make the provisions of subsections (c), (d), (e), or (f) applicable with respect to any designated financial market utility for which the Supervisory Agency is the Commodity Futures Trading Commission or the Securities and Exchange Commission.

SEC. 808. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.

(a) EXAMINATION.—The primary financial regulatory agency is authorized to examine a financial institution subject to the standards prescribed by the Board of Governors for a designated activity in order to determine the following:

(1) The nature and scope of the designated activities engaged in by the financial institution.

(2) The financial and operational risks the designated activities engaged in by the financial institution may pose to the safety and soundness of the financial institution.

(3) The financial and operational risks the designated activities engaged in by the financial institution may pose to other financial institutions, critical markets, or the broader financial system.

(4) The resources available to and the capabilities of the financial institution to monitor and control the risks described in paragraphs (2) and (3).

(5) The financial institution's compliance with this title and the rules and orders prescribed by the Board of Governors under this title.

(b) ENFORCEMENT.—For purposes of enforcing the provisions of this section, and the rules and orders prescribed by the Board of Governors under this section, a financial institution subject to the standards prescribed by the Board of Governors for a designated activity shall be subject to, and the primary financial regulatory agency shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the primary financial regulatory agency was the appropriate Federal banking agency for such insured depository institution.

(c) TECHNICAL ASSISTANCE.—The Board of Governors shall consult with and provide such technical assistance as may be required by the primary financial regulatory agencies to ensure that the rules and orders prescribed by the Board of Governors with respect to a designated activity under this title are interpreted and applied in as consistent and uniform a manner as practicable.

(d) DELEGATION.—

(1) EXAMINATION.—

(A) REQUEST TO BOARD OF GOVERNORS.—The primary financial regulatory agency may request the Board of Governors to conduct or participate in an examination of a financial institution subject to the standards prescribed by the Board of Governors for a designated activity in order to assess the compliance of such financial institution with—

(i) this title; or

(ii) the rules or orders prescribed by the Board of Governors under this title.

(B) EXAMINATION BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors will conduct the examination under such terms and conditions to which the Board of Governors and the primary financial regulatory agency mutually agree.

(2) ENFORCEMENT.—

(A) REQUEST TO BOARD OF GOVERNORS.—The primary financial regulatory agency may request the Board of Governors to enforce this title or the rules or orders prescribed by the Board of Governors under this title against a financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(B) ENFORCEMENT BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors shall determine whether an enforcement action is warranted, and, if so, it shall enforce compliance with this title or the rules or orders prescribed by the Board of Governors with respect to a designated activity under this title and, if so, the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution

(e) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—

(1) EXAMINATION AND ENFORCEMENT.—Notwithstanding any other provision of law, the Board of Governors may—

(A) conduct an examination of the type described in subsection (a) of any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity; and

(B) enforce the provisions of this title or any rules or orders prescribed by the Board of Governors under this title against any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(2) LIMITATIONS.—

(A) EXAMINATION.—The Board of Governors may exercise the authority described in paragraph (1)(A) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the primary financial regulatory agency and the Council of its belief under clause (i) with supporting documentation included;

(iii) requested the primary financial regulatory agency to conduct a prompt examination of the financial institution; and

(iv) either—

(I) not been afforded a reasonable opportunity to participate in an examination of the financial institution by the primary financial regulatory agency within 30 days after the date of the Board's notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors with respect to a designated activity under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors affording the primary financial regulatory agency a reasonable opportunity to participate in the examination.

(B) ENFORCEMENT.—The Board of Governors may exercise the authority described in paragraph (1)(B) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the primary financial regulatory agency and the Council of its belief under clause (i) with supporting documentation included and with a recommendation that the primary financial regulatory agency take 1 or more specific enforcement actions against the financial institution; and

(iii) either—

(I) not been notified, in writing, by the primary financial regulatory agency of the commencement of an enforcement action recommended by the Board of Governors against the financial institution within 60 days from the date of the notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors with respect to a designated activity under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors notifying the primary financial regulatory agency of the Board's enforcement action.

(3) ENFORCEMENT PROVISIONS.—For purposes of taking enforcement action under paragraph (1), the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

SEC. 809. REQUESTS FOR INFORMATION, REPORTS, OR RECORDS.

(a) INFORMATION TO ASSESS SYSTEMIC IMPORTANCE.—

(1) FINANCIAL MARKET UTILITIES.—The Council is authorized to require any financial market utility to submit such information as the Council may require for the sole purpose of assessing whether that financial market utility is systemically important, but only if the Council has reasonable cause to believe that the financial market utility meets the standards for systemic importance set forth in section 804.

(2) FINANCIAL INSTITUTIONS ENGAGED IN PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.—The Council is authorized to require any financial institution to submit such information as the Council may require for the sole purpose of assessing whether any payment, clearing, or settlement activity engaged in or supported by a financial institution is systemically important, but only if the Council has reasonable cause to believe that the activity meets the standards for systemic importance set forth in section 804.

(b) REPORTING AFTER DESIGNATION.—

(1) DESIGNATED FINANCIAL MARKET UTILITIES.—The Board of Governors and the Council may require a designated financial market utility to submit reports or data to the Board of Governors and the Council in such frequency and form as deemed necessary by the Board of Governors and the Council in order to assess the safety and soundness of the utility and the systemic risk that the utility's operations pose to the financial system.

(2) FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS DESIGNATED ACTIVITIES.—The Board of Governors and the Council may require 1 or more financial institutions subject to the standards prescribed by the Board of Governors for a designated activity to submit, in such frequency and form as deemed necessary by the Board of Governors and the Council, reports and data to the Board of Governors and the Council solely with respect to the conduct of the designated activity and solely to assess whether—

(A) the rules, orders, or standards prescribed by the Board of Governors with respect to the designated activity appropriately address the risks to the financial system presented by such activity; and

(B) the financial institutions are in compliance with this title and the rules and orders prescribed by the Board of Governors under this title with respect to the designated activity.

(c) COORDINATION WITH APPROPRIATE FEDERAL SUPERVISORY AGENCY.—

(1) ADVANCE COORDINATION.—Before directly requesting any material information from, or imposing reporting or recordkeeping requirements on, any financial market utility or any financial institution engaged in a payment, clearing, or settlement activity as provided in subsections (a) and (b), the Board of Governors and the Council shall coordinate with the Supervisory Agency for a financial market utility or the primary financial regulatory agency for a financial institution to determine if the information is available from or may be obtained by the agency in the form, format, or detail required by the Board of Governors and the Council.

(2) SUPERVISORY REPORTS.—For purposes of the coordination required by paragraph (1), and notwithstanding any other provision of law, the Supervisory Agency, the primary financial regulatory agency, and the Board of Governors are authorized to disclose to each other and the Council copies of its examination reports or similar reports regarding any financial market utility or any financial institution engaged in payment, clearing, or settlement activities.

(d) TIMING OF RESPONSE FROM APPROPRIATE FEDERAL SUPERVISORY AGENCY.—

(1) IN GENERAL.—If the information, report, records, or data requested by the Board of Governors or the Council under subsection (c)(1) are not provided in full by the Supervisory Agency or the primary financial regulatory agency in less than 15 days after the date on which the material is requested, the Board of Governors or the Council may request the information or impose recordkeeping or reporting requirements directly on such persons as provided in subsections (a) and (b) with notice to the agency.

(2) RULE OF CONSTRUCTION.—Nothing in this section authorizes or shall be construed to authorize the Board of Governors or the Council to prescribe any recordkeeping or reporting requirements on designated financial market utilities for which the Supervisory Agency is the Commodity Futures Trading Commission or the Securities and Exchange Commission.

(e) SHARING OF INFORMATION.—

(1) MATERIAL CONCERNS.—Notwithstanding any other provision of law, the Board of Governors, the Council, the primary financial regulatory agency, and any Supervisory Agency are authorized to—

(A) promptly notify each other of material concerns about a designated financial market utility or any financial institution engaged in designated activities; and

(B) share appropriate reports, information or data relating to such concerns.

(2) OTHER INFORMATION.—Notwithstanding any other provision of law, the Board of Governors, the Council, the primary financial regulatory agency, or any Supervisory Agency may, under such terms and conditions as it deems appropriate, provide confidential supervisory information and other information obtained under this title to other persons it deems appropriate, including the Secretary, State financial institution supervisory agencies, foreign financial supervisors, foreign central banks, and foreign finance ministries, subject to reasonable assurances of confidentiality.

(f) PRIVILEGE MAINTAINED.—The Board of Governors, the Council, the primary financial regulatory agency, and any Supervisory Agency providing reports or data under this section shall not be deemed to have waived any privilege applicable to those reports or data, or any portion thereof, by providing the reports or data under this section or by permitting the reports or data, or any copies thereof, to be used pursuant to this section.

(g) DISCLOSURE EXEMPTION.—Information obtained by the Board of Governors or the Council under this section and any materials prepared by the Board of Governors or the Council regarding its assessment of the systemic importance of financial market utilities or any payment, clearing, or settlement activities engaged in by financial institutions, and in connection with its supervision of designated financial market utilities and designated activities, shall be confidential supervisory information exempt from disclosure under section 552 of title 5, United States Code. For purposes of such section 552, this subsection shall be considered a statute described in subsection (b)(3) of such section 552.

SEC. 810. RULEMAKING.

The Board of Governors and the Council are authorized to prescribe such rules and issue such orders as may be necessary to administer and carry out the authorities and duties granted to the Board of Governors or the Council, respectively, under this title and prevent evasions thereof.

SEC. 811. OTHER AUTHORITY.

Unless otherwise provided by its terms, this title does not divest any primary financial regulatory agency, any Supervisory Agency, or any other Federal or State agency, of any authority derived from any other applicable law, except that any standards prescribed by the Board of Governors under section 805 shall supersede any less stringent requirements established under other authority to the extent of any conflict.

SEC. 812. EFFECTIVE DATE.

This title is effective as of the date of enactment of this Act.

SA 4093. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 15 and 16, insert the following:

(d) REPEAL OF SAFE HARBOR TREATMENT IN THE BANKRUPTCY CODE.—Title 11, United States Code, is amended—

(1) in section 103(a), by striking ''chapter'' and all that follows through ''apply'' and inserting ''chapter, sections 307, 362(n), 557, and 562 apply'';

(2) in section 362—

(A) in subsection (b)—

(i) by striking paragraphs (6), (7), (17), and (27);

(ii) by redesignating paragraphs (8) through (16) as paragraphs (5) through (13), respectively;

(iii) by redesignating paragraphs (18) through (26) as paragraphs (14) through (22), respectively;

(iv) by redesignating paragraph (28) as paragraph (23); and

(v) in the undesignated matter at the end, by striking ''(12) and (13)'' and inserting ''(9) and (10)''; and

(B) by striking subsection (o);

(3) in section 546—

(A) in subsection (e)—

(i) by striking ''101 or'';

(ii) by striking ''101, 741,'' and inserting ''741''; and

(iii) by inserting ''and except in a case under chapter 11 or 15,'' before ''the trustee'';

(B) in subsection (f), by inserting ''and except in a case under chapter 11 or chapter 15,'' before ''the trustee'';

(C) by striking subsections (g) and (j); and

(D) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively;

(4) in section 548(d)(2)—

(A) by striking subparagraphs (C) through (E);

(B) in subparagraph (A), by adding ''and'' at the end; and

(C) in subparagraph (B), by striking the semicolon at the end and inserting a period;

(5) in section 553—

(A) in subsection (a), by striking ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'' each place that term appears; and

(B) in subsection (b), by striking ''Except with respect to a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561, if a'' and inserting ''If a'';

(6) by striking sections 555, 556, 559, 560, and 561 and inserting ''[Repealed].'';

(7) in the table of sections for subchapter III of chapter 5, by striking the items relating to sections 555, 556, 559, 560, and 561;

(8) in section 901—

(A) by striking ''555, 556,''; and

(B) by striking ''559, 560, 561,'';

(9) in section 1519, by striking subsection (f); and

(10) in section 1521, by striking subsection (f).

At the end of title II, add the following:

SEC. ___. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following:

''(43A) The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, or swap agreement, that is cleared by or subject to the rules of a clearing organization (as defined in section 201(c)(9)(D) of the Restoring American Financial Stability Act of 2010.''.

(b) LIMITATION ON STAY OF EXERCISE OF CERTAIN CONTRACTUAL RIGHTS.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this title, if the trustee does not assume or reject a qualified financial contract of the debtor within 3 days after the order for relief, the exercise of any contractual right of any counterparty to such qualified financial contract to cause the liquidation, termination, or acceleration of one or more qualified financial contracts because of a condition of the kind specified in section 365(e)(1), or to offset or net out any termination values or payment amounts arising under or in connection with the termination, liquidation, or acceleration of one or more qualified financial contracts shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title. During such 3-day period the trustee shall make a good faith effort to meet all margin, collateral, and settlement obligations of the debtor that arise under qualified financial contracts, other than any such obligation that is not enforceable against the trustee.''.

(c) LIMITATION ON AVOIDANCE OF TRANSFER.—Section 546(j) of title 11, United States Code, is amended to read as follows:

''(j) Notwithstanding any Federal or State law relating to the avoidance of preferential or fraudulent transfers, the trustee may not avoid any transfer of money or other property in connection with any qualified financial contract of the debtor, unless the transferee had actual intent to hinder, delay, or defraud the debtor, the creditors of the debtor, or the trustee.''.

SA 4094. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 9, insert before the period the following: '', that is cleared by or subject to the rules of a clearing organization (as defined in paragraph (9)(D))''.

SA 4095. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 9, insert before the period the following: '', that is cleared by or subject to the rules of a clearing organization (as defined in paragraph (9)(D))''.

On page 296, between lines 15 and 16, insert the following:

(d) REPEAL OF SAFE HARBOR TREATMENT IN THE BANKRUPTCY CODE.—Title 11, United States Code, is amended—

(1) in section 103(a), by striking ''chapter'' and all that follows through ''apply'' and inserting ''chapter, sections 307, 362(n), 557, and 562 apply'':

(2) in section 362—

(A) in subsection (b)—

(i) by striking paragraphs (6), (7), (17), and (27);

(ii) by redesignating paragraphs (8) through (16) as paragraphs (5) through (13), respectively;

(iii) by redesignating paragraphs (18) through (26) as paragraphs (14) through (22), respectively;

(iv) by redesignating paragraph (28) as paragraph (23); and

(v) in the undesignated matter at the end, by striking ''(12) and (13)'' and inserting ''(9) and (10)''; and

(B) by striking subsection (o);

(3) in section 546—

(A) in subsection (e)—

(i) by striking ''101 or'';

(ii) by striking ''101, 741,'' and inserting ''741''; and

(iii) by inserting ''and except in a case under chapter 11 or 15,'' before ''the trustee'';

(B) in subsection (f), by inserting ''and except in a case under chapter 11 or chapter 15,'' before ''the trustee'';

(C) by striking subsections (g) and (j); and

(D) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively;

(4) in section 548(d)(2)—

(A) by striking subparagraphs (C) through (E);

(B) in subparagraph (A), by adding ''and'' at the end; and

(C) in subparagraph (B), by striking the semicolon at the end and inserting a period;

(5) in section 553—

(A) in subsection (a), by striking ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'' each place that term appears; and

(B) in subsection (b), by striking ''Except with respect to a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561, if a'' and inserting ''If a'';

(6) by striking sections 555, 556, 559, 560, and 561 and inserting ''[Repealed].'';

(7) in the table of sections for subchapter III of chapter 5, by striking the items relating to sections 555, 556, 559, 560, and 561;

(8) in section 901—

(A) by striking ''555, 556,''; and

(B) by striking ''559, 560, 561,'';

(9) in section 1519, by striking subsection (f); and

(10) in section 1521, by striking subsection (f).

At the end of title II, add the following:

SEC. ____. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following:

''(43A) The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, or swap agreement, that is cleared by or subject to the rules of a clearing organization (as defined in section 201(c)(9)(D) of the Restoring American Financial Stability Act of 2010.''.

(b) LIMITATION ON STAY OF EXERCISE OF CERTAIN CONTRACTUAL RIGHTS.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this title, if the trustee does not assume or reject a qualified financial contract of the debtor within 3 days after the order for relief, the exercise of any contractual right of any counterparty to such qualified financial contract to cause the liquidation, termination, or acceleration of one or more qualified financial contracts because of a condition of the kind specified in section 365(e)(1), or to offset or net out any termination values or payment amounts arising under or in connection with the termination, liquidation, or acceleration of one or more qualified financial contracts shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title. During such 3-day period the trustee shall make a good faith effort to meet all margin, collateral, and settlement obligations of the debtor that arise under qualified financial contracts, other than any such obligation that is not enforceable against the trustee.''.

(c) LIMITATION ON AVOIDANCE OF TRANSFER.—Section 546(j) of title 11, United States Code, is amended to read as follows:

''(j) Notwithstanding any Federal or State law relating to the avoidance of preferential or fraudulent transfers, the trustee may not avoid any transfer of money or other property in connection with any qualified financial contract of the debtor, unless the transferee had actual intent to hinder, delay, or defraud the debtor, the creditors of the debtor, or the trustee.''.

SA 4096. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, between lines 13 and 14, insert the following:

SEC. 333. FDIC EXAMINATION AUTHORITY.

(a) EXAMINATION AUTHORITY FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended by striking ''whenever the Board'' and all that follows through the period at the end and inserting the following: ''or depository institution holding company whenever the Chairperson or the Board of Directors determines that a special examination of any such depository institution or depository institution holding company is necessary to determine the condition of such depository institution or depository institution holding company for insurance purposes or for purposes of title II of the Restoring American Financial Stability Act of 2010.''.

(b) ENFORCEMENT AUTHORITY.—Section 8(t) of the Federal Deposit Insurance Act (12 U.S.C. 1818(t)) is amended—

(1) in paragraph (1)—

(A) by striking ''based on an examination of an insured depository institution'' and inserting ''based on an examination of an insured depository institution or depository institution holding company''; and

(B) by striking ''with respect to any insured depository institution or'' and inserting ''with respect to any insured depository institution, depository institution holding company, or'';

(2) in paragraph (2)—

(A) by striking ''Board of Directors determines, upon a vote of its members,'' and inserting ''Board of Directors, upon a vote of its members, or the Chairperson determines'';

(B) in subparagraph (B), by striking ''or'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(D) the conduct or threatened conduct (including any acts or omissions) of the depository institution holding company poses a risk to the Deposit Insurance Fund or of the exercise of authority under title II of the Restoring American Financial Stability Act of 2010, or may prejudice the interests of the depositors of an affiliated institution.'';

(3) in paragraph (3)(A), by striking ''upon a vote of the Board of Directors'' and inserting ''upon a determination by the Chairperson or upon a vote of the Board of Directors'';

(4) in paragraph (4)(A)—

(A) by striking ''any insured depository institution'' and inserting ''any insured depository institution, depository institution holding company,''; and

(B) by striking ''the institution'' and inserting ''the institution, holding company,'';

(5) in paragraph (4)(B), by striking ''the institution'' each place that term appears and inserting ''the institution, holding company,''; and

(6) in paragraph (5)(A), by striking ''an insured depository institution'' and inserting ''an insured depository institution, depository institution holding company,''.

(c) BACK-UP EXAMINATION AUTHORITY FOR ORDERLY LIQUIDATION PURPOSES.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 51. BACK-UP EXAMINATION AUTHORITY FOR ORDERLY LIQUIDATION PURPOSES.

''The Corporation may conduct a special examination of a nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010, if the Chairperson or the Board of Directors determines an examination is necessary to determine the condition of the company for purposes of title II of that Act.''.

(d) ACCESS TO INFORMATION FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.—The Federal Deposit Insurance Act is amended by adding at the end the following:

''SEC. 52. ACCESS TO INFORMATION FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.

''(a) ACCESS TO INFORMATION.—The Corporation may, if the Corporation determines that such action is necessary to carry out its responsibilities relating to deposit insurance or orderly liquidation—

''(1) obtain information from an insured depository institution, depository institution holding company, or nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010;

''(2) obtain information from the appropriate Federal banking agency, or any regulator of a nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010, including examination reports; and

''(3) participate in any examination, visitation, or risk-scoping activity of an insured depository institution, depository institution holding company, or nonbank financial company supervised by the Board of Governors of the Federal Reserve System under section 113 of the Restoring American Financial Stability Act of 2010.

''(b) ENFORCEMENT.—The Corporation shall have the authority to take any enforcement action under section 8 against any institution or company described in paragraph (1) of subsection (a) that fails to provide any information requested under that paragraph.

''(c) USE OF AVAILABLE INFORMATION.—The Corporation shall use, in lieu of a request for information under subsection (a), information provided to another Federal or State regulatory agency, publicly available information, or externally audited financial statements to the extent that the Corporation determines such information is adequate to the needs of the Corporation.''.

SA 4097. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1006, strike line 17 and all that follows through page 1007, line 2, and insert the following:

(A) by striking paragraph (2) and inserting the following:

''(2) STANDARDS AND OVERSIGHT.—The Commission shall set standards and exercise oversight of the procedures and methodologies, including qualitative and quantitative data and models, used by nationally recognized statistical rating organizations, to ensure that the credit ratings issued by the nationally recognized statistical rating organizations have a reasonable foundation.''; and

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SA 4098. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. REED, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1056, line 17, strike the second period and insert the following: ''.

SEC. 946. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15G, as added by this Act, the following new section:

''SEC. 15H. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

''(a) DEFINITION.—For purposes of this section, the term 'synthetic asset-backed security' means an asset-backed security with respect to which, by design, the self-liquidating financial assets referenced in the synthetic securitization do not provide any direct payment or cash flow to the holder of the security.

''(b) RESTRICTION.—No issuer, underwriter, placement agent, sponsor, or initial purchaser may offer, sell, or transfer a synthetic asset-backed security that has no substantial or material economic purpose apart from speculation on a possible future gain or loss associated with the value or condition of the referenced assets. The Commission may determine whether a synthetic asset-backed security meets the requirements of this section. A determination by the Commission under the preceding sentence is not subject to judicial review.''.

SA 4099. Mr. LEVIN (for himself, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1028 between lines 4 and 5 insert the following:

''(E) NO RELIANCE ON INADEQUATE REPORT.—A nationally recognized statistical rating organization may not rely on a third-party due diligence report if the nationally recognized statistical rating organization has reason to believe that the report is inadequate.

SA 4100. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 584, line 7, after the first period insert the following:

''(k) CLEARING REQUIREMENTS FOR CREDIT DEFAULT SWAPS.—Subject to the exemption requirements of paragraphs (9) and (10) of subsection (h), all credit default swaps that are swaps shall be cleared pursuant to the requirements of subsection (h)(1).

''(l) BAN ON RISKY UNDISCLOSED NAKED CREDIT DEFAULT SWAPS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap that establishes a short position in a reference entity's credit instrument unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed jointly by the Commission and the Securities and Exchange Commission, that the protection buyer—

''(i) is undertaking such action to establish a legitimate short position in credit default swaps; or

''(ii) is regulated by the Commission as a swap dealer in credit default swaps, and is acting as a market-maker or is otherwise engaged in a financial transaction on behalf of a customer.

''(B) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if—

''(i) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's position in credit default swaps; and

''(ii) the reference entity or entities for the protection buyer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a non-narrow-based index credit default swap, is the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(C) DETERMINATION OF THE COMMISSION.—

''(i) IN GENERAL.—The Commission and the Securities and Exchange Commission shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(ii) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Securities and Exchange Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(iii) RULE OF CONSTRUCTION.—For purposes of this subsection, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission and the Securities and Exchange Commission to be a valid credit instrument.

''(D) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as the Commission may prescribe.

''(E) HOLDING OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SWAP DEALERS.—Any swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as shall be prescribed jointly by the Commission and the Securities and Exchange Commission, that—

''(i) the value of the swap dealer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the swap dealer's position in credit default swaps; and

''(ii) the reference entity or entities for the swap dealer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a non-narrow-based index credit default swap, are the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the swap dealer owns.

''(F) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this subsection.

''(G) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Securities and Exchange Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale credit default swaps that are swaps.

''(2) DEFINITIONS.—

''(A) IN GENERAL.—In this subsection, the following definitions shall apply:

''(i) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(I) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and

''(II) is not a security issued by a corporation, State, municipality, or sovereign entity.

''(ii) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(iii) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(iv) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a debt obligation or obtained a loan that is referenced by a credit default swap.

''(B) FURTHER DEFINITION OF TERMS.—The Commission and the Securities and Exchange Commission shall jointly establish and adopt rules, regulations, or order, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.

''(3) EFFECTIVE DATE.—This subsection shall take effect 2 years following the date on which the Wall Street Transparency and Accountability Act of 2010 becomes effective, except that the Commission and the Securities and Exchange Commission may require disclosure and reporting of positions and holdings as set forth in this subsection at such earlier date as they may jointly determine.

''(m) PUBLIC REPORTING OF CREDIT DEFAULT SWAPS.—

''(1) IN GENERAL.—Notwithstanding paragraphs (8), (9), and (10) of subsection (h), the Commission and the Securities and Exchange Commission shall jointly adopt rules requiring public reporting by counterparties of all net notional amount of credit default swaps purchased or sold referencing a specific reference entity in an amount greater than 1 percent of the outstanding debt of that reference entity.

''(2) RULEMAKING.—The Commission and the Securities and Exchange Commission may adopt rules setting the public reporting requirement threshold of subparagraph (A) in an amount less than 1 percent and may set a lower reporting requirement threshold for credit default swaps purchased or sold on governmental entities. In adopting rules implementing this requirement, the Commission and the Securities and Exchange Commission shall require counterparties to report both hedged and unhedged positions. The Commission and the Securities and Exchange Commission shall prescribe rules to specify the form, manner, and timing of such reports.

''(3) FURTHER DEFINITION OF TERMS.—For purposes of this subsection, the Commission and the Securities and Exchange Commission shall jointly establish and adopt rules, regulation, or orders in accordance with the public interest, defining the terms 'credit default swap', 'reference entity', 'outstanding debt', 'net notional amount of credit default swaps', and 'governmental entities'.''.

On page 808, line 8, after the first period, insert the following:

''(e) CLEARING REQUIREMENTS FOR CREDIT DEFAULT SWAPS.—Subject to the exemption requirements of paragraphs (9) and (10) of subsection (a), all credit default swaps that are security-based swaps shall be cleared pursuant to the requirements of subsection (a)(1).

''SEC. 3C–1. BAN ON RISKY UNDISCLOSED NAKED CREDIT DEFAULT SWAPS.

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap that establishes a short position in a reference entity's credit instrument unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed jointly by the Commission and the Commodity Futures Trading Commission, that the protection buyer—

''(A) is undertaking such action to establish a legitimate short position in credit default swaps; or

''(B) is regulated by the Commission as a security-based swap dealer in credit default swaps, and is acting as a market-maker or is otherwise engaged in a financial transaction on behalf of a customer.

''(2) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if—

''(A) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's position in credit default swaps; and

''(B) the reference entity or entities for the protection buyer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a non-narrow-based index credit default swap, is the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(3) DETERMINATION OF THE COMMISSION.—

''(A) IN GENERAL.—The Commission and the Commodity Futures Trading Commission shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(B) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Commodity Futures Trading Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(C) RULE OF CONSTRUCTION.—For purposes of this section, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission and the Commodity Futures Trading Commission to be a valid credit instrument.

''(4) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as the Commission may prescribe.

''(5) HOLDING OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SECURITY-BASED SWAP DEALERS.—Any security-based swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as shall be prescribed jointly by the Commission and the Commodity Futures Trading Commission, that—

''(A) the value of the security-based swap dealer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the security-based swap dealer's position in credit default swaps; and

''(B) the reference entity or entities for the security-based swap dealer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a non-narrow-based index credit default swap, are the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the security-based swap dealer owns.

''(6) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this section.

''(7) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Commodity Futures Trading Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale credit default swaps that are security-based swaps.

''(b) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions shall apply:

''(A) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(i) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and

''(ii) is not a security issued by a corporation, State, municipality, or sovereign entity.

''(B) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(C) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(D) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a debt obligation or obtained a loan that is referenced by a credit default swap.

''(2) FURTHER DEFINITION OF TERMS.—The Commission and the Commodity Futures Trading Commission shall jointly establish and adopt rules, regulations, or order, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.

''(c) EFFECTIVE DATE.—This section shall take effect 2 years following the date on which the Wall Street Transparency and Accountability Act of 2010 becomes effective, except that the Commission and the Commodity Futures Trading Commission may require disclosure and reporting of positions and holdings as set forth in this section at such earlier date as they may jointly determine.

''SEC. 3C–2. PUBLIC REPORTING OF CREDIT DEFAULT SWAPS.

''(a) IN GENERAL.—Notwithstanding paragraphs (8), (9), and (10) of section 3C(a), the Commission and the Commodity Futures Trading Commission shall jointly adopt rules requiring public reporting by counterparties of all net notional amount of credit default swaps purchased or sold referencing a specific reference entity in an amount greater than 1 percent of the outstanding debt of that reference entity.

''(b) RULEMAKING.—The Commission and the Commodity Futures Trading Commission may adopt rules setting the public reporting requirement threshold of subsection (a) in an amount less than 1 percent and may set a lower reporting requirement threshold for credit default swaps purchased or sold on governmental entities. In adopting rules implementing this requirement, the Commission and the Commodity Futures Trading Commission shall require counterparties to report both hedged and unhedged positions. The Commission and the Commodity Futures Trading Commission shall prescribe rules to specify the form, manner, and timing of such reports.

''(c) FURTHER DEFINITION OF TERMS.—For purposes of this section, the Commission and the Commodity Futures Trading Commission shall jointly establish and adopt rules, regulation, or orders in accordance with the public interest, defining the terms 'credit default swap', 'reference entity', 'outstanding debt', 'net notional amount of credit default swaps', and 'governmental entities'.''.

On page 893, after line 25, insert the following:

SEC. 774. COUNCIL STUDY AND ACTION REGARDING CERTAIN PROHIBITIONS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Financial Stability Oversight Council shall conduct a study of issues involving the purchase and sale of credit default swaps and naked credit default swaps.

(2) RULE OF CONSTRUCTION.—For purposes of this section, a naked credit default swap is a credit default swap entered into by a person that does not own the valid debt instrument or valid debt instruments referenced in the credit default swap or own a valid debt instrument or valid debt instruments of the issuer or borrower, or issuers or borrowers, referenced in the credit default swap, or a similar risk exposure.

(b) MATTERS TO BE ADDRESSED.—The study required under subsection (a) shall address—

(1) the impact of trading of credit default swaps on debt issuers, credit availability, financial markets, and the overall economy of the United States;

(2) the potential uses of naked credit default swaps;

(3) the potential systemic impact of short positions in naked credit default swaps;

(4) existing authority of regulators to address risks to market participants and systemic risk of credit default swaps and naked credit default swaps; and

(5) such other relevant matters as the Council deems necessary or appropriate to address.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, if the Financial Stability Oversight Council agrees by an affirmative vote of the majority of its members then serving to the conclusions and findings of the study required under subsection (a), and to any recommendations for legislative action the Council deems necessary and appropriate based on such conclusions and findings, the Council shall submit such report, together with such recommendations, to Congress.

(d) ACTION BY CHAIRPERSON OF THE COUNCIL.—Following receipt of the report required by subsection (c), and notwithstanding section 2(l) of the Commodity Exchange Act, section 5A of the Securities Act of 1933, and section 3C–1 of the Securities Exchange Act of 1934, the Chairperson of the Council may make a written determination suspending, in whole or in part, the prohibitions of section 2(l) of the Commodity Exchange Act, section 5A of the Securities Act of 1933, and section 3C–1 of the Securities Exchange Act of 1934.

(e) FINDING BY CHAIRPERSON OF THE COUNCIL.—Based upon the conclusions and findings of the study required under subsection (a), the Chairperson of the Council may make a written determination as provided in subsection (d) only upon a finding that the prohibitions in section 2(l) of the Commodity Exchange Act, section 5A of the Securities Act of 1933, and section 3C–1 of the Securities Exchange Act of 1934 would have a material adverse effect on the financial markets and economy of the United States.

(f) CONGRESSIONAL NOTICE; EFFECTIVENESS.—The Chairperson of the Council shall submit any written determination made pursuant to subsection (d) to the Committees on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate and the Committees on Financial Services and Agriculture of the United States House of Representatives. Any such written determination by the Chairperson of the Council shall not be effective until such determination has been submitted to the appropriate committees of Congress.

On page 1056, line 17, strike the second period and insert the following: ''.

SEC. 946. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 5 the following:

''SEC. 5A. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

''(a) DEFINITION.—For purposes of this section, the term 'synthetic asset-backed security' means an asset-backed security, as defined in section 3(a)(77) of the Securities Exchange Act of 1934, with respect to which, by design, the self-liquidating financial assets referenced in the synthetic securitization do not provide any direct payment or cash flow to the holders of the security.

''(b) RESTRICTION.—

''(1) IN GENERAL.—No issuer, underwriter, placement agent, sponsor, or initial purchaser may offer, sell, or transfer a synthetic asset-backed security that has no purpose apart from speculation on a possible future gain or loss associated with the value or condition of the referenced assets. The Commission may determine, by rule or otherwise, whether a security is included within the description set forth in the preceding sentence. Any such determination by the Commission, other than by rule, is not subject to judicial review.

''(2) RULEMAKING.—Not later than 270 days after the date of enactment of this section, the Commission shall issue rules carry out this section and to prevent evasions thereof.

''(c) EFFECTIVE DATE.—This section shall take effect 2 years following the date on which the Wall Street Transparency and Accountability Act of 2010 becomes effective, except that the Commission may require any disclosure or reporting of information or data pursuant this section at such earlier date as the Commission may determine.''.

SA 4101. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 484, strike line 16 and all that follows through page 497, line 8, and insert the following:

SEC. 619. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject by the Board to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall be subject to additional capital and additional quantitative limits as prescribed pursuant to subsection (d)(3).

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company subject to regulation in accordance with the relevant insurance company investment laws while protecting the safety and soundness of any banking entity with which such insurance company is affiliated, and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, (unless otherwise provided in this section) shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph and subsections (d) and (e) shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any subsidiary of such a company (other than a subsidiary described in subparagraph (A) or (C)), and any nonbank financial company supervised by the Board;

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Restoring American Financial Stability Act of 2010.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) TRANSITION PERIOD FOR DIVESTITURE OF HEDGE FUNDS OR PRIVATE EQUITY FUNDS BY BANKING ENTITIES.—

''(A) NO NEW INVESTMENTS.—

''(i) NO NEW FUNDS.—On and after the date of enactment of this section, a banking entity may not sponsor or invest in a hedge fund or private equity fund that the banking entity did not sponsor or in which the banking entity was not invested on May 1, 2010.

''(ii) NO ADDITIONAL CAPITAL OR ASSETS.—On and after the date of enactment of this section, a banking entity may not sell, transfer, loan, or otherwise provide any additional capital or assets to a hedge fund or private equity fund sponsored by the banking entity or in which the banking entity invests, except to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010.

''(B) REDUCTION OF EXISTING INVESTMENTS.—Except as provided in paragraph (3), on and after the date that is 2 years after the effective date of this section, the aggregate amount of equity, partnership, or other ownership interests in all hedge funds and private equity funds held by a banking entity shall not exceed 2 percent of the Tier I capital of the banking entity.

''(C) TOTAL DIVESTITURE.—On and after the date that is 5 years after the effective date of this section, no banking entity may engage in any activity prohibited under subsection (a)(1)(B), except as provided in paragraph (3).

''(3) TRANSITION PERIOD FOR ILLIQUID FUNDS.—

''(A) DEFINITION.—In this paragraph, the term 'illiquid fund' means a hedge fund or private equity fund that, as of May 1, 2010, was principally invested in or is invested in illiquid assets, and committed to principally invest in illiquid assets, such as portfolio companies, real estate investments, and venture capital investments, and that maintains the investment strategy of the fund that was in place as of May 1, 2010, regarding principally investing in illiquid assets. In issuing rules under this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) TRANSITION.—

''(i) IN GENERAL.—During the 4-year period beginning on the date of enactment of this section, a banking entity may only take an equity, partnership, or ownership interest in, or otherwise provide additional capital to, an illiquid fund to the extent necessary to fulfill a contractual obligation of the banking entity to the illiquid fund that was in effect on May 1, 2010.

''(ii) LIMITATIONS.—A banking entity may not exercise an option to renew, or otherwise extend the duration of, any contractual obligation described in clause (i) and shall exercise any contractual option permitting the banking entity to exit the illiquid fund if and when such option becomes available. A banking entity may elect not to exercise an option described in the preceding sentence, to the extent that the maintenance of an investment would be permitted under paragraph (2).

''(iii) EXTENSION.—

''(I) APPROVAL REQUIRED.—If a contractual obligation of a banking entity described in clause (i) extends beyond the 4-year period beginning on the date of enactment of this section, the banking entity may not continue to make the investment required under the contractual obligation without the prior written approval of the Board. In determining whether to grant an extension under this clause, the Board shall evaluate whether the proposed investment meets the requirements of this subparagraph.

''(II) TIME LIMIT ON APPROVAL.—The Board may approve an investment described in subclause (I) for a period of not longer than 2 years for each extension.

''(III) LIMIT ON NUMBER OF APPROVALS.—The Board may not approve an investment described in subclause (I) more than 3 times.

''(iv) DIVESTITURE REQUIRED.—Except as otherwise permitted under subsection (d), no banking entity may engage in any activity prohibited under subsection (a)(1)(B) after the earlier of —

''(I) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(II) the date on which the approval by the Board under clause (iii) expires.

''(4) ADDITIONAL CAPITAL.—Notwithstanding paragraph (2) or (3), on and after the effective date under paragraph (1), the Board may impose additional capital requirements, and any other restrictions, as the Board determines appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity or nonbank financial company supervised by the Board, including on a case-by-case basis, as the Board determines appropriate.

''(5) RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2), (3), and (4).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions in subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof; obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting, market-making, or in facilitation of customer relationships, to the extent that any such activities permitted by this subparagraph are designed to not exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities designed to reduce the specific risks to a banking entity or nonbank financial company supervised by the Board.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or investments designed primarily to promote the public welfare, as provided in paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds;

''(iv) the banking entity does not enter into or otherwise engage in any transaction with the hedge fund or private equity fund that is a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c);

''(v) the obligations or performance of the hedge fund or private equity fund are not guaranteed, assumed, or otherwise covered, directly or indirectly, by the banking entity or any subsidiary or affiliate of the banking entity;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity complies with any rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a company pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a United States person.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity or nonbank financial company supervised by the Board pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity or nonbank financial company supervised by the Board is not directly or indirectly controlled by a company that is organized in the United States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine through regulation, as provided in subsection (b)(2)(B), would promote and protect the safety and soundness of the banking entity or nonbank financial company supervised by the Board and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if it—

''(i) would involve or result in a material conflict of interest (as such term shall be defined jointly by rule) between the banking entity or the nonbank financial company supervised by the Board and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in an unsafe and unsound exposure by the banking entity or nonbank financial company supervised by the Board to high-risk assets or high-risk trading strategies (as such terms shall be defined jointly by rule);

''(iii) would pose a threat to the safety and soundness of such banking entity or nonbank financial company supervised by the Board; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The Board shall adopt rules, as provided under subsection (b)(2), imposing additional capital requirements and quantitative limitations regarding the activities permitted under this section if the Board determines that additional capital and quantitative limitations are appropriate to protect the safety and soundness of the banking entities and nonbank financial companies supervised by the Board engaged in such activities.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations as part of the rulemaking provided for in subsection (b)(2) regarding internal controls and recordkeeping in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Notwithstanding any other provision of law, whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this subparagraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with the hedge fund or private equity fund.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such person were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) COVERED TRANSACTIONS WITH UNAFFILIATED HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—No banking entity may enter into a covered transaction, as defined in section

23A of the Federal Reserve Act (12 U.S.C. 371c), with any hedge fund or private equity fund organized and offered by the banking entity or with any hedge fund or private equity fund in which such hedge fund or private equity fund has taken any equity, partnership, or other ownership interest.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Any prohibitions or restrictions under this section shall apply even though such activities may be authorized for a banking entity or a nonbank financial company supervised by the Board under any other provision of law.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11(a) of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1) or 80a–3(c)(7)), or such similar funds as jointly determined appropriate by the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading' means engaging as a principal for its own trading account in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may jointly, by rule, determine.''.

SEC. 619A. STUDY OF BANK ACTIVITIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal banking agencies shall jointly review and prepare a report on activities that a banking entity may engage in under Federal and State law including activities authorized by statute and by order, interpretation and guidance.

(2) CONTENT.—In carrying out the study under paragraph (1), the Federal banking agencies shall review and consider—

(A) the type of activities or investment;

(B) any financial, operational, managerial, or reputation risks associated with or presented as a result of the banking entity engaged in the activity or making the investment; and

(C) risk mitigation activities undertaken by the banking entity with regard to the risks.

(b) REPORT AND RECOMMENDATIONS TO THE COUNCIL AND TO CONGRESS.—The appropriate Federal banking agencies shall submit to the Council, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate the study conducted pursuant to subsection (a) no later than 2 months after its completion. In addition to the information described in subsection (a), the report shall include recommendations regarding—

(1) whether each activity or investment has or could have a negative effect on the safety and soundness of the banking entity or the United States financial system;

(2) the appropriateness of the conduct of each activity or type of investment by banking entities; and

(3) additional restrictions as may be necessary to address risks to safety and soundness arising from the activities or types of investments described in subsection (a).

SEC. 619B. CONFLICTS OF INTEREST.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures.

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

SA 4102. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 485, strike line 1 and all that follows through page 496, line 2, and insert the following:

(2) the term ''proprietary trading''—

(A) means purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company, for the trading book (or such other portfolio as the Federal banking agencies may determine) of such institution, company, or subsidiary, except that the Federal banking agencies may, for the purposes of this subparagraph, exclude from the definition of the term ''insured depository institution'' an institution that functions principally in a trust or fiduciary capacity; and

(B) subject to such restrictions as the Federal banking agencies may determine, does not include purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments on behalf of a customer, as part of market making activities, otherwise in connection with or in facilitation of customer relationships, including risk-mitigating hedging activities related to such a purchase, sale, acquisition, or disposal, or in the conduct of regulated insurance investments;

(3) the term ''sponsoring'', when used with respect to a hedge fund or private equity fund, means—

(A) serving as a general partner, managing member, or trustee of the fund;

(B) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(C) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

(b) PROHIBITION ON PROPRIETARY TRADING.—

(1) IN GENERAL.—Subject to the recommendations of the Council under subsection (g), and except as provided in paragraph (2) or (3), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit proprietary trading by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company.

(2) EXCEPTED OBLIGATIONS.—

(A) IN GENERAL.—The prohibition under this subsection shall not apply with respect to an investment that is otherwise authorized by Federal law in—

(i) obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(ii) obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or other similar Government-sponsored enterprises, including obligations fully guaranteed as to principal and interest by such entities; and

(iii) obligations of any State or any political subdivision of a State.

(B) CONDITIONS.—The appropriate Federal banking agencies may impose conditions on the conduct of investments described in subparagraph (A).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(3) FOREIGN ACTIVITIES.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibition under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(c) PROHIBITION ON SPONSORING AND INVESTING IN HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations of the Council under subsection (g), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company, from sponsoring or investing in a hedge fund or a private equity fund.

(2) APPLICATION TO FOREIGN ACTIVITIES OF FOREIGN FIRMS.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibitions and restrictions under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(d) INVESTMENTS IN SMALL BUSINESS INVESTMENT COMPANIES AND INVESTMENTS DESIGNED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—A prohibition imposed by the appropriate Federal banking agencies under subsection (c) shall not apply with respect an investment otherwise authorized under Federal law that is—

(A) an investment in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(B) designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(e) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) COVERED TRANSACTIONS.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may not enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with such hedge fund or private equity fund.

(2) AFFILIATION.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c–1) as if such institution, company, or subsidiary were a member bank and such hedge fund or private equity fund were an affiliate.

(f) CAPITAL AND QUANTITATIVE LIMITATIONS FOR CERTAIN NONBANK FINANCIAL COMPANIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations of the Council under subsection (g), the Board of Governors shall adopt rules imposing additional capital requirements and specifying additional quantitative limits for nonbank financial companies supervised by the Board of Governors under section 113 that engage in proprietary trading or sponsoring and investing in hedge funds and private equity funds.

(2) EXCEPTIONS.—The rules under this subsection shall not apply with respect to the trading of an investment that is otherwise authorized by Federal law—

(A) in obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(B) in obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or other similar Government-sponsored enterprises, including obligations fully guaranteed as to principal and interest by such entities;

(C) in obligations of any State or any political subdivision of a State;

(D) in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(E) that is designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(g) COUNCIL STUDY AND RULEMAKING.—

(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Council—

(A) shall complete a study of the definitions under subsection (a) and the other provisions under subsections (b) through (f), to assess the manner in which to implement this section so as to—

(i) promote and enhance the safety and soundness of depository institutions and the affiliates of depository institutions;

(ii) protect taxpayers and enhance financial stability by minimizing the risk that depository institutions and the affiliates of depository institutions will engage in unsafe and unsound activities;

(iii) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

(iv) reduce inappropriate conflicts of interest between the self-interest of depository institutions, affiliates of depository institutions, and financial companies supervised by the Board, and the interests of the customers of such institutions and companies;

(v) not raise the cost of credit or other financial services, reduce the availability of credit or other financial services, or impose other costs on households and businesses in the United States;

(vi) limit activities that have caused undue risk or loss in depository institutions, affiliates of depository institutions, and financial companies supervised by the Board of Governors, or that might reasonably be expected to create undue risk or loss in such institutions, affiliates, and companies; and

(vii) appropriately accommodates the business of insurance within an insurance company subject to regulation in accordance with State insurance company investment laws;

(B) shall make recommendations regarding the definitions under subsection (a) and the implementation of other provisions under subsections (b) through (f).

(2) RULEMAKING.—Not earlier than the date of completion of the study required under paragraph (1), and not later than 9 months after the date of completion of such study—

(A) the appropriate Federal banking agencies shall—

(i) jointly issue final regulations implementing subsections (b) through (e); and

(ii) evaluate and consider any recommendations made by the Council pursuant to paragraph (1)(B); and

(B) the Board of Governors shall—

(i) issue final regulations implementing subsection (f); and

(ii) evaluate and consider any recommendations made by the Council pursuant to paragraph (1)(B).

SA 4103. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the

United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 1023, strike lines 12 through 18 and insert the following:

''(ii) the main assumptions and principles used in constructing procedures and methodologies, including—

''(I) qualitative methodologies and quantitative inputs;

''(II) assumptions about the correlation of defaults across obligors used in rating structured products; and

''(III) the 5 assumptions made in the ratings process that, without accounting for any other factor, would have the greatest impact on a rating if such assumptions were proven false or inaccurate, together with an analysis, using concrete examples, of how each of the 5 assumptions impacts the credit rating;

SA 4104. Mr. MENENDEZ (for himself, Mr. BAYH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 615, line 18, strike ''all'' and all that follows through line 21, and insert the following: ''or to the registered swap data repositories, as the Commission may by rule prescribe, all information that is determined by the Commission to be necessary for each to perform their respective responsibilities under this Act''.

On page 623, line 12, strike ''In this paragraph'' and insert ''Subject to subparagraph (E), in this paragraph''.

On page 624, line 18, strike ''With'' and all that follows through ''subsection (h),'' on line 22, and insert the following: ''The registered swap data repositories and''.

On page 625, strike line 2, and insert the following: ''swap trading volumes and positions for both cleared and uncleared trades.''.

On page 625, line 3, strike ''With respect'' and insert ''Subject to subparagraph (E), with respect''.

On page 625, line 6, strike ''(10)'' and insert ''(9)''.

On page 630, line 14, insert ''for both cleared and uncleared trades'' after ''swap data''.

On page 637, strike line 17 and all that follows through page 638, line 12.

On page 810, line 22, after the first period, insert the following:

''(m) DUTY OF CLEARING AGENCY.—Each clearing agency that clears security-based swaps shall provide to the Commission or to the registered security-based swap data repositories, as the Commission may by rule prescribe, all information that is determined by the Commission to be necessary for each to perform their respective responsibilities under this Act.

On page 835, line 7, strike ''In this paragraph'' and insert ''Subject to subparagraph (E), in this paragraph''.

On page 836, line 14, strike ''With'' and all that follows through ''section 3C(a),'' on line 18, and insert the following: ''The registered security-based swap data repositories and''.

On page 836, strike lines 23 and 24, and insert the following: ''security-based swap trading volumes and positions for both cleared and uncleared trades.''.

On page 837, lines 3 and 4, strike ''but are subject to the requirements of section 3C(a)(8)'' and insert ''pursuant to section 3C(a)(9)''.

On page 842, line 9, before the semicolon insert ''for both cleared and uncleared trades, including compliance and frequency of end user clearing exemption claims by individual and affiliated entities''.

On page 883, strike line 7 and all that follows through page 884, line 9.

SA 4105. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 621, after line 23, insert the following:

(h) LINKING OF REGULATED CLEARING FACILITIES.—Section 5b(f)(1) of the Commodity Exchange Act (7 U.S.C. 7a-1) is amended to read as follows:

''(1) IN GENERAL.—The Commission shall facilitate the linking or coordination of derivatives clearing organizations registered under this chapter with other regulated clearance facilities for the coordinated settlement of cleared transactions. In order to minimize systemic risk, under no circumstances shall a derivatives clearing organization be compelled to accept the counterparty credit risk of another clearing organization.''.

SA 4106. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, insert the following:

SEC. 1111. COMPLIANCE WITH OTHER RULES.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting before section 130 the following:

''SEC. 129B. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A creditor or other person shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with consumer credit.''.

SEC. 1112. CONSUMER LEASING ACT OF 1976.

Section 183 of the Consumer Leasing Act of 1976 (15 U.S.C. 1667b) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 183. LESSEE LIABILITY AND LESSOR COMPLIANCE.''; and

(2) by adding at the end the following:

''(d) COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.—A lessor shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to the lessor in connection with consumer leases.''.

SEC. 1113. ELECTRONIC FUND TRANSFER ACT.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended by adding at the end the following:

''SEC. 922. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A person shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with electronic fund transfers.''.

SEC. 1114. FAIR CREDIT REPORTING ACT.

The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 615 the following:

''SEC. 615A. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A person shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with consumer reports.''.

SEC. 1115. FAIR DEBT COLLECTION PRACTICES ACT.

The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended by inserting after section 812 the following:

''SEC. 812A. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A person shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with the collection of debt.''.

SEC. 1116. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974.

(a) COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.—The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et. seq) is amended by inserting after section 12 the following:

''SEC. 13. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A person shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with settlement services or the servicing of federally related mortgage loans.''.

(b) JURISDICTION.—Notwithstanding section 1096(8) of this Act, section 16 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2614) is amended to read as follows:

''SEC. 16. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS; JURISDICTION; LIMITATIONS.

''Any action pursuant to the provisions of section 6, 8, 9, or 13 may be brought in the United States district court or in any other court of competent jurisdiction, for the district in which the property involved is located, or where the violation is alleged to have occurred, within 3 years in the case of a violation of section 6 and 1 year in the case of a violation of section 8, 9, or 13 from the date of the occurrence of the violation, except that actions brought by the Bureau, the Secretary, the Attorney General of any State, or the insurance commissioner of any State may be brought within 3 years from the date of the occurrence of the violation.''.

SEC. 1117. HOMEOWNERS PROTECTION ACT OF 1998.

The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et. seq) is amended by inserting after section 7 (12 U.S.C. 4906) the following:

"SEC. 7A. COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.

''A servicer, mortgagee, or mortgage insurer shall comply with all rules promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 applicable to that person in connection with private mortgage insurance.''.

SEC. 1118. TRUTH IN SAVINGS ACT.

Section 269 of the Truth in Savings Act (12 U.S.C. 4308) is amended by adding at the end the following:

''(c) COMPLIANCE WITH CONSUMER FINANCIAL PROTECTION LAWS.—Any regulation promulgated pursuant to sections 1031 through 1033 of the Consumer Financial Protection Act of 2010 regarding disclosures, payment of interest, or periodic statements in connection with accounts within the scope this Act shall be considered a regulation pursuant to this Act.''.

SA 4107. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Sec. 154(1)(A) is amended by inserting on page 69, line 4 after the word 'maintain' the following new language, 'within a single electronic database,'.

Sec. 154(b)(1) is amended by striking on page 70 line 3, subparagraph '(C)' and adding the following new subparagraph—

'(C) ADMINISTRATION AND USE OF DATA.—The database described in subparagraph (A) shall—

(i) use accurate data structures and taxonomies to allow for easy cross-referencing, compiling, and reporting of numerous data elements;

(ii) provide for filtering of data content to allow users to screen for events most relevant to identifying waste, fraud, and abuse, such as management changes and material corporate events;

(iii) provide geospatial analysis capabilities; and

(iv) provide for the daily collection of any data necessary to implement this subsection.

'(D) DATA STANDARD.—The Office shall adopt and require a single data standard for the submission of data to the Office by member agencies. The Office shall update the standard as necessary to address changes in technology over time. The standard shall—

(i) be common across all member agencies, to the maximum extent practicable;

(ii) be a widely accepted, non-proprietary, searchable, computer-readable format for business and financial data;

(iii) be consistent with and implement United States generally accepted accounting principles or Federal financial accounting standards (as appropriate), industry best practices, and Federal regulatory requirements; and

(iv) improve the transparency, consistency, and usability of business and financial information.

'(E) TRANSITION AND IMPLEMENTATION.—

(i) TRANSITION.—Not later than 60 days after date of enactment of this subsection, the Office, or the Secretary if a Director has not been confirmed, shall issue a request for proposal for the establishment of the database described in subparagraph (A) and award contract service as required by this subsection.

(ii) IMPLEMENTATION OF DATABASE.—The Office, or the Secretary, if a Director has not been confirmed, shall make operational the database described in subparagraph (A) not later than 180 days after the issuance of request for proposal under clause (i) of this subparagraph.'

(iii) FUTURE MODIFICATIONS.—Modifications to the database following its becoming operational shall be determined by the Office.

Sec. 154(b)(2) is amended by inserting on page 70, line 20 the following subparagraph and reletter accordingly—

(B) The Data Center shall make the database described in subparagraph (1)(A) of this section available to the Comptroller General of the United States and to the Special Inspector General and the Congressional Oversight Panel established under sections 121 and 125 of the Emergency Economic Stabilization Act respectively.'

SA 4108. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

Sec. 154(b)(1) is amended by striking on page 70 line 3, subparagraph '(C)' and adding the following new subparagraph—

'(C) DATA STANDARD.—The Office shall adopt and require a single data standard for submission of data to the Office by member agencies. The Office shall update the standard as necessary to address changes in technology over time. The standard shall—

(i) be common across all member agencies, to the maximum extent practicable;

(ii) be widely accepted, non-proprietary, searchable, computer-readable format for business and financial data;

(iii) be consistent with and implement United States generally accepted accounting principles or Federal financial accounting standards (as appropriate), industry best practices, and Federal regulatory requirements; and

(iv) improve the transparency, consistency, and usability of business and financial information.

SA 4109. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, after line 25, insert the following:

SEC. 774. CLEARING OF CREDIT DEFAULT SWAPS.

(a) CLEARING OF CREDIT DEFAULT SWAPS UNDER THE COMMODITY EXCHANGE ACT.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2), as amended by this title, is amended by adding at the end the following:

''(k) CLEARING OF CREDIT DEFAULT SWAPS.—

''(1) SUBMISSION.—It shall be unlawful for any party to enter into a credit default swap unless that person shall submit such credit default swap for clearing to a derivatives clearing organization that is registered under this Act or a derivatives clearing organization that is exempt from registration under section 5b(i) of this Act.

''(2) PROHIBITION.—Notwithstanding any other provisions in this section or of this Act, if no derivatives clearing organization will accept a credit default swap for clearing, it shall be unlawful for any party to enter into the credit default swap.

''(3) LIMITATION ON SHORT POSITIONS.—

''(A) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap which establishes a short position in a reference entity's credit instrument unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that the protection buyer—

''(i) is undertaking such action to establish a legitimate short position in credit default swaps; or

''(ii) is regulated by the Commission as a swap dealer in credit default swaps, and is acting as a market-maker or is otherwise engaged in a financial transaction on behalf of a customer.

''(B) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if—

''(i) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's credit default swaps; and

''(ii) the reference entity or entities for the protection buyer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(C) DETERMINATION OF THE COMMISSION.—

''(i) IN GENERAL.—The Commission and the Securities and Exchange Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(ii) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Securities and Exchange Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(iii) RULE OF CONSTRUCTION.—For purposes of this paragraph, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission to be a valid credit instrument.

''(D) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as may be prescribed by the Commission.

''(E) HOLDING OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SWAP DEALERS.—Any swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that—

''(i) the value of the swap dealer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the swap dealer's position in credit default swaps; and

''(ii) the reference entity or entities for the swap dealer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the swap dealer owns.

''(F) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this subsection.

''(G) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Securities and Exchange Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale of credit default swaps.

''(4) DETERMINATION OF THE COUNCIL; PHASE IN.—

''(A) EFFECTIVE DATE.—Subject to subparagraph (B), this subsection shall take effect on the earlier of—

''(i) the effective date established under section 753 of the Wall Street Transparency and Accountability Act of 2010; or

''(ii) the date on which the Chairperson of the Financial Stability Oversight Council makes a determination that the prohibitions and limitations established under this subsection would not cause undue market disruptions.

''(B) DETERMINATION OF MARKET DISRUPTION.—Not later than the effective date established under section 753 of the Wall Street Transparency and Accountability Act of 2010, if the Chairperson of the Financial Stability Oversight Council determines that a phase in of the prohibitions and limitations established under this subsection is necessary to avoid undue market disruptions, then the Chairperson shall recommend, and the Commission shall adopt, a phase in period for such prohibitions and limitations. Any phase in period described under this subparagraph shall not exceed 18 months.

''(5) DEFINITIONS.—

''(A) IN GENERAL.—In this subsection, the following definitions shall apply:

''(i) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(I) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and

''(II) is not a debt security registered with the Securities and Exchange Commission and issued by a corporation, State, municipality, or sovereign entity.

''(ii) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(iii) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(iv) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a public debt obligation or obtained a loan that is referenced by a credit default swap.

''(B) FURTHER DEFINITION OF TERMS.—The Commission and the Securities and Exchange Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.''.

(b) CLEARING OF CREDIT DEFAULT SWAPS UNDER SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3C, as added by this title, the following:

''SEC. 3C-1. CLEARING OF CREDIT DEFAULT SWAPS.

''(a) SUBMISSION.—It shall be unlawful for any party to enter into a credit default swap unless that person shall submit such credit default swap for clearing to a clearing agency that is registered under section 17A of this Act.

''(b) PROHIBITION.—Notwithstanding any other provisions in this section or of this Act, if no clearing agency will accept a credit default swap for clearing, it shall be unlawful for any party to enter into the credit default swap.

''(c) LIMITATION ON SHORT POSITIONS.—

''(1) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap which establishes a short position in a reference entity's credit unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that the protection buyer—

''(A) is undertaking such action to establish a legitimate short position in credit default swaps; or

''(B) is regulated by the Commission as a security-based swap dealer in credit default swaps, and is acting as a market-maker or otherwise for the purpose of serving clients.

''(2) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if —

''(A) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's credit default swaps; and

''(B) the reference entity or entities for the protection buyer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(3) DETERMINATION OF THE COMMISSION.—

''(A) IN GENERAL.—The Commission and the Commodity Futures Trading Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(B) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Commodity Futures Trading Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(C) RULE OF CONSTRUCTION.—For purposes of this subsection, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission to be a valid credit instrument.

''(4) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as may be prescribed by the Commission.

''(5) HOLDINGS OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SECURITY-BASED SWAP DEALERS.—Any security-based swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that—

''(A) the value of the security-based swap dealer's long holdings in valid credit instruments is equal to or greater than the absolute notional value of the security-based swap dealer's position in credit default swaps; and

''(B) the reference entity or entities for the security-based swap dealer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the security-based swaps dealer owns.

''(6) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this section.

''(7) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Commodity Futures Trading Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale of credit default swaps.

''(d) DETERMINATION OF THE COUNCIL; PHASE IN.—

''(1) EFFECTIVE DATE.—Subject to paragraph (2), this section shall take effect on the earlier of—

''(A) the effective date established under section 773 of the Wall Street Transparency and Accountability Act of 2010; or

''(B) the date on which the Chairperson of the Financial Stability Oversight Council makes a determination that the prohibitions and limitations established under this subsection would not cause undue market disruptions.

''(2) DETERMINATION OF MARKET DISRUPTION.—Not later than the effective date established under section 773 of the Wall Street Transparency and Accountability Act of 2010, if the Chairperson of the Financial Stability Oversight Council determines that a phase in of the prohibitions and limitations established under this section is necessary to avoid undue market disruptions, then the Chairperson shall recommend, and the Commission shall adopt, a phase in period for such prohibitions and limitations. Any phase in period described under this paragraph shall not exceed 18 months.

''(e) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions shall apply:

''(A) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(i) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and ''(ii) is not a debt security registered with the Commission and issued by a corporation, State, municipality, or sovereign entity.

''(B) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(C) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(D) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a public debt obligation or obtained a loan that is referenced by a credit default swap.

''(2) FURTHER DEFINITION OF TERMS.—The Commission and the Commodity Futures Trading Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.''.

SEC. 775. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 5 the following:

''SEC. 5A. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

''(a) DEFINITION.—For purposes of this section, the term 'synthetic asset-backed security' means an asset-backed security, as defined in section 3(a)(77) of the Securities Exchange Act of 1934, with respect to which, by design, the self-liquidating financial assets referenced in the synthetic securitization do not provide any direct payment or cash flow to the holders of the security.

''(b) RESTRICTION.—

''(1) IN GENERAL.—No issuer, underwriter, placement agent, sponsor, or initial purchaser may offer, sell, or transfer a synthetic asset-backed security that has no purpose apart from speculation on a possible future gain or loss associated with the value or condition of the referenced assets. The Commission may determine, by rule or otherwise, whether a security is included within the description set forth in the preceding sentence. Any such determination by the Commission, other than by rule, is not subject to judicial review.

''(2) RULEMAKING.—Not later than 270 days after the date of enactment of this section, the Commission shall issue rules carry out this section and to prevent evasions thereof.''.

SA 4110. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

On page 515, between lines 11 and 12, insert the following:

(c) PROHIBITION ON PROPRIETARY TRADING.—No insured depository institution, or company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such depository institution or company may purchase or sell, or otherwise acquire or dispose of derivatives, including swaps, security-based swaps, mixed swaps, and security-based swap agreements except in accordance with section 619 of the Restoring American Financial Stability Act of 2010.

(d) STUDY AND REPORT.—

(1) STUDY.—The Financial Stability Oversight Council shall conduct a study of the impact of the prohibitions of this section on the swaps and security-based swaps markets, including the effect of such prohibitions on central clearing and exchange trading of standardized swaps.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, if the Financial Stability Oversight Council agrees by an affirmative vote of the majority of its members then serving to the conclusions and findings of the study required under paragraph (1), and to any recommendations for legislative action the Council deems necessary and appropriate based on such conclusions and findings, the Council shall make such report, together with such recommendations, available to the public.

(e) DETERMINATION AND FINDING.—

(1) DETERMINATION.—Following issuance of the report required under subsection (d) and based upon consideration of the findings and conclusions of the study mandated by such subsection, the Chairperson of the Financial Stability Oversight Council may make a written determination suspending, in whole or in part, the prohibitions of subsection (a) upon the consideration of the recommendations of such report and a finding that the prohibitions in subsection (a) would have a material adverse effect on the financial markets and economy of the United States.

(2) CONGRESSIONAL NOTICE; EFFECTIVENESS.—The Chairperson of the Financial Stability Oversight Council shall submit any written determination under this subsection, together with the report required under subsection (d), and any recommendations for legislative actions, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives. Any such written determination by the Chairperson of the Financial Stability Oversight Council shall not be effective until such determination has been submitted to the appropriate committees of Congress described in the prior sentence.

(f) PRUDENTIAL MATTERS.—If the prohibition established under subsection (a) is suspended, in whole or in part, pursuant to subsection (e), the swaps entity shall conduct its swap, security-based swap, or other activities in compliance with such minimum standards as shall be prescribed in regulations issued by the prudential regulator of such swaps entity as appropriate and which are reasonably calculated to permit the swaps entity to conduct its swap, security-based swap, or other activities in a safe and sound manner and consistent with protecting taxpayers and the financial system of the United States.

(g) RULES.—In prescribing regulations described in subsection (f), the prudential regulator for a swaps entity shall consider the following factors:

(1) The expertise and managerial strength of the swaps entity, including systems for effective oversight of the swaps entity.

(2) The financial strength of the swaps entity.

(3) Systems for identifying, measuring, and controlling risks arising from the swaps entity's operations and activities.

(4) Systems for identifying, measuring, and controlling the swaps entity's participation in existing markets.

(5) Systems for controlling the swaps entity's participation or entry into in new markets and products.

(h) EFFECTIVE DATE.—Subject to subsection (e), the prohibition established under subsection (a) shall take effect 2 years after the date on which the Wall Street Transparency and Accountability Act of 2010 becomes effective.

SA 4111. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table, as follows:

On page 707, line 19, strike the first period and insert the following:

''(6) RULES, REGULATIONS, AND ORDERS.—Notwithstanding any other provision of law, including any authority granted pursuant to this title or title VII of the Restoring American Financial Stability Act of 2010, the Commission, the Securities and Exchange Commission, or the appropriate Federal banking agencies shall not issue any rule, regulation, or order that would void, terminate, or require the renegotiation, modification, or amendment of any contract or transaction (including any related credit support arrangement) entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

SA 4112. Mr. MERKLEY (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table, as follows:

On page 1054, between lines 10 and 11, insert the following:

(c) CONFLICTS OF INTEREST.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, during such period as the asset-backed security is outstanding or such lesser period as the Commission determines is appropriate, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

"(b) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a) including any appropriate disclosures or other measures. The disclosure by a person of a material conflict of interest with respect to a transaction prohibited under subsection (a) may not be construed to permit any person to engage in the transaction.

"(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship. This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.".

SA 4113. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie the table; as follows:

Beginning on page 699, strike line 20 and all that follows through page 704, line 13, and insert the following:

"(A) REGISTRATION.—The Commission may adopt rules and regulations requiring registration with the Commission for a foreign board of trade that provides the members of the foreign board of trade or other participants located in the United States with direct access to the electronic trading and order matching system of the foreign board of trade, including rules and regulations prescribing procedures and requirements applicable to the registration of such foreign boards of trade. For purposes of this paragraph, 'direct access' refers to an explicit grant of authority by a foreign board of trade to an identified member or other participant located in the United States to enter trades directly into the trade matching system of the foreign board of trade. In adopting such rules and regulations, the commission shall consider: (i) whether any such foreign board of trade is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in the foreign board of trade's home country; and (ii) any previous commission findings that the foreign board of trade is subject to comparable comprehensive supervision and regulation by the appropriate government authorities in the foreign board of trade's home country.

"(B) LINKED CONTRACTS.—It shall be unlawful for a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

"(i) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

"(ii) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

"(I) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

"(II) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

"(III) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

"(aa) the information that the foreign board of trade will make publicly available;

"(bb) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

"(cc) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

"(dd) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

"(IV) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

"(V) provides the Commission such information as is necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

"(C) EXISTING FOREIGN BOARDS OF TRADE.—Subparagraphs (A) and (B) shall not be effective with respect to any foreign board of trade to which, prior to the date of enactment of this paragraph, the Commission granted direct access permission until the date that is 180 days after that date of enactment.".

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "or by subsection (e)" after "Unless exempted by the Commission pursuant to subsection (c)"; and

(2) by adding at the end the following:

"(e) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe that the transaction and the contract is made on or subject to the rules of a foreign board of trade that has complied with subparagraphs (A) and (B) of subsection (b)(1).".

SA 4114. Mr. DORGAN proposed an amendment to amendment SA 4072 submitted by Mr. GRASSLEY (for himself and Mrs. MCCASKILL) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. CLEARING OF CREDIT DEFAULT SWAPS.

(a) CLEARING OF CREDIT DEFAULT SWAPS UNDER THE COMMODITY EXCHANGE ACT.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2), as amended by this title, is amended by adding at the end the following:

"(k) CLEARING OF CREDIT DEFAULT SWAPS.—

"(1) SUBMISSION.—It shall be unlawful for any party to enter into a credit default swap unless that person shall submit such credit default swap for clearing to a derivatives clearing organization that is registered under this Act or a derivatives clearing organization that is exempt from registration under section 5b(i) of this Act.

"(2) PROHIBITION.—Notwithstanding any other provisions in this section or of this Act, if no derivatives clearing organization will accept a credit default swap for clearing, it shall be unlawful for any party to enter into the credit default swap.

"(3) LIMITATION ON SHORT POSITIONS.—

"(A) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap which establishes a short position in a reference entity's credit instrument unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that the protection buyer—

"(i) is undertaking such action to establish a legitimate short position in credit default swaps; or

"(ii) is regulated by the Commission as a swap dealer in credit default swaps, and is acting as a market-maker or is otherwise engaged in a financial transaction on behalf of a customer.

"(B) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if—

"(i) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's credit default swaps; and

"(ii) the reference entity or entities for the protection buyer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(C) DETERMINATION OF THE COMMISSION.—

''(i) IN GENERAL.—The Commission and the Securities and Exchange Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(ii) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Securities and Exchange Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(iii) RULE OF CONSTRUCTION.—For purposes of this paragraph, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission to be a valid credit instrument.

''(D) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as may be prescribed by the Commission.

''(E) HOLDING OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SWAP DEALERS.—Any swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that—

''(i) the value of the swap dealer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the swap dealer's position in credit default swaps; and

''(ii) the reference entity or entities for the swap dealer's credit default swaps in clause (i), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the swap dealer owns.

''(F) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this subsection.

''(G) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Securities and Exchange Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale of credit default swaps.

''(4) DETERMINATION OF THE COUNCIL; PHASE IN.—

''(A) EFFECTIVE DATE.—Subject to subparagraph (B), this subsection shall take effect on the earlier of—

''(i) the effective date established under section 753 of the Wall Street Transparency and Accountability Act of 2010; or

''(ii) the date on which the Chairperson of the Financial Stability Oversight Council makes a determination that the prohibitions and limitations established under this subsection would not cause undue market disruptions.

''(B) DETERMINATION OF MARKET DISRUPTION.—Not later than the effective date established under section 753 of the Wall Street Transparency and Accountability Act of 2010, if the Chairperson of the Financial Stability Oversight Council determines that a phase in of the prohibitions and limitations established under this subsection is necessary to avoid undue market disruptions, then the Chairperson shall recommend, and the Commission shall adopt, a phase in period for such prohibitions and limitations. Any phase in period described under this subparagraph shall not exceed 18 months.

''(5) DEFINITIONS.—

''(A) IN GENERAL.—In this subsection, the following definitions shall apply:

''(i) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(I) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and

''(II) is not a debt security registered with the Securities and Exchange Commission and issued by a corporation, State, municipality, or sovereign entity.

''(ii) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(iii) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(iv) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a public debt obligation or obtained a loan that is referenced by a credit default swap.

''(B) FURTHER DEFINITION OF TERMS.—The Commission and the Securities and Exchange Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.''.

(b) CLEARING OF CREDIT DEFAULT SWAPS UNDER SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3C, as added by this title, the following:

''SEC. 3C-1. CLEARING OF CREDIT DEFAULT SWAPS.

''(a) SUBMISSION.—It shall be unlawful for any party to enter into a credit default swap unless that person shall submit such credit default swap for clearing to a clearing agency that is registered under section 17A of this Act.

''(b) PROHIBITION.—Notwithstanding any other provisions in this section or of this Act, if no clearing agency will accept a credit default swap for clearing, it shall be unlawful for any party to enter into the credit default swap.

''(c) LIMITATION ON SHORT POSITIONS.—

''(1) IN GENERAL.—It shall be unlawful for a protection buyer to enter into a credit default swap which establishes a short position in a reference entity's credit unless the protection buyer can demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that the protection buyer—

''(A) is undertaking such action to establish a legitimate short position in credit default swaps; or

''(B) is regulated by the Commission as a security-based swap dealer in credit default swaps, and is acting as a market-maker or otherwise for the purpose of serving clients.

''(2) LEGITIMATE SHORT POSITION IN CREDIT DEFAULT SWAPS.—A protection buyer's short position in credit default swaps shall be considered a legitimate short position in credit default swaps if —

''(A) the value of the protection buyer's holdings in valid credit instruments is equal to or greater than the absolute notional value of the protection buyer's credit default swaps; and

''(B) the reference entity or entities for the protection buyer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the protection buyer owns.

''(3) DETERMINATION OF THE COMMISSION.—

''(A) IN GENERAL.—The Commission and the Commodity Futures Trading Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, defining the term 'valid credit instrument'.

''(B) CONSIDERATIONS AND REQUIREMENTS.—In defining the term 'valid credit instrument', the Commission and the Commodity Futures Trading Commission shall consider which group, category, type, or class of credit instruments can be effectively hedged using credit default swaps.

''(C) RULE OF CONSTRUCTION.—For purposes of this subsection, any instrument with an equity risk exposure or equity-like features shall not be considered by the Commission to be a valid credit instrument.

''(4) REPORTING.—Each protection buyer shall report all of its legitimate short positions in credit default swaps, as well as any other credit default swap positions and the valid credit instruments that it owns to the Commission, in such manner, in such frequency, and in such form as may be prescribed by the Commission.

''(5) HOLDINGS OF SHORT POSITIONS IN CREDIT DEFAULT SWAPS BY SECURITY-BASED SWAP DEALERS.—Any security-based swap dealer in credit default swaps seeking to establish, possess, or otherwise obtain a short position as the protection buyer of any credit default swap for more than 60 consecutive calendar days or for more than two-thirds of the days in any calendar quarter, shall demonstrate to the Commission, in such manner and in such form as may be prescribed by the Commission, that—

''(A) the value of the security-based swap dealer's long holdings in valid credit instruments is equal to or greater than the absolute notional value of the security-based swap dealer's position in credit default swaps; and

''(B) the reference entity or entities for the security-based swap dealer's credit default swaps in subparagraph (A), whether in a single-name, or a narrow-based index or a broad-based index credit default swap transaction, must be the same as the borrower or issuer, or borrowers or issuers, of the valid credit instrument or valid credit instruments the security-based swaps dealer owns.

''(6) PROHIBITION ON EVASIONS AND STRUCTURING OF TRANSACTIONS.—No person, including any protection buyer, protection seller, or counterparty, may take any action in connection with a credit default swap to structure such swap for the purpose and with the intent of evading the provisions of this section.

''(7) AUTHORITY OF THE COMMISSION.—The Commission, in consultation with the Commodity Futures Trading Commission, may, in the public interest, for the protection of investors, for the protection of market participants, and the maintenance of fair and orderly markets, prohibit any other action, practice, or conduct in connection with or related to the direct or indirect purchase or sale of credit default swaps.

''(d) DETERMINATION OF THE COUNCIL; PHASE IN.—

''(1) EFFECTIVE DATE.—Subject to paragraph (2), this section shall take effect on the earlier of—

''(A) the effective date established under section 773 of the Wall Street Transparency and Accountability Act of 2010; or

''(B) the date on which the Chairperson of the Financial Stability Oversight Council makes a determination that the prohibitions and limitations established under this subsection would not cause undue market disruptions.

''(2) DETERMINATION OF MARKET DISRUPTION.—Not later than the effective date established under section 773 of the Wall Street Transparency and Accountability Act of 2010, if the Chairperson of the Financial Stability Oversight Council determines that a phase in of the prohibitions and limitations established under this section is necessary to avoid undue market disruptions, then the Chairperson shall recommend, and the Commission shall adopt, a phase in period for such prohibitions and limitations. Any phase in period described under this paragraph shall not exceed 18 months.

''(e) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions shall apply:

''(A) CREDIT DEFAULT SWAP.—The term 'credit default swap'—

''(i) means a swap or security-based swap whose payout is determined by the occurrence of a credit event with respect to a single referenced credit instrument or reference entity or multiple referenced credit instruments or reference entities; and

''(ii) is not a debt security registered with the Commission and issued by a corporation, State, municipality, or sovereign entity.

''(B) CREDIT EVENT.—The term 'credit event' includes a default, restructuring, insolvency, bankruptcy, credit downgrade, and a violation of a debt covenant.

''(C) PROTECTION BUYER.—The term 'protection buyer' means a person that enters into a credit default swap to obtain a payoff from a third party (commonly referred to as the 'protection seller') upon the occurrence of one or more credit events.

''(D) REFERENCE ENTITY.—The term 'reference entity' means any borrower, such as a corporation, State, municipality, sovereign entity, or special purpose entity, which has issued a public debt obligation or obtained a loan that is referenced by a credit default swap.

''(2) FURTHER DEFINITION OF TERMS.—The Commission and the Commodity Futures Trading Commission, shall jointly establish and adopt rules, regulations, or orders, in accordance with the public interest, further defining the terms 'credit default swap', 'credit event', 'protection buyer', and 'reference entity'.''.

SEC. 775. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 5 the following:

''SEC. 5A. RESTRICTION ON SYNTHETIC ASSET-BACKED SECURITIES.

''(a) DEFINITION.—For purposes of this section, the term 'synthetic asset-backed security' means an asset-backed security, as defined in section 3(a)(77) of the Securities Exchange Act of 1934, with respect to which, by design, the self-liquidating financial assets referenced in the synthetic securitization do not provide any direct payment or cash flow to the holders of the security.

''(b) RESTRICTION.—

''(1) IN GENERAL.—No issuer, underwriter, placement agent, sponsor, or initial purchaser may offer, sell, or transfer a synthetic asset-backed security that has no purpose apart from speculation on a possible future gain or loss associated with the value or condition of the referenced assets. The Commission may determine, by rule or otherwise, whether a security is included within the description set forth in the preceding sentence. Any such determination by the Commission, other than by rule, is not subject to judicial review.

''(2) RULEMAKING.—Not later than 270 days after the date of enactment of this section, the Commission shall issue rules carry out this section and to prevent evasions thereof.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 25, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the liability and financial responsibility issues related to offshore oil production, including the Deepwater Horizon accident in the Gulf of Mexico, including S. 3346, a bill to increase the limits on liability under the Outer Continental Shelf Lands Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Linda Lance or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 18, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on May 18, 2010, at 11 a.m., in room SR–325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 18, 2010, at 2:30 p.m. in room 106 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 18, 2010, at 10 a.m., to hold a hearing entitled ''The New START Treaty.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled ''ESEA Reauthorization: Supporting Student Health, Physical Education, and Well-Being'' on Tuesday, May 18, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 18, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on May 18, 2010, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Drug Enforcement and the Rule of Law: Mexico and Colombia.''

The PRESIDING OFFICER. Without objection, it is so ordered.

TO CLARIFY HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5014, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5014) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, without any intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5014) was ordered to a third reading, was read the third time, and passed.

FEDERAL HIRING PROCESS IMPROVEMENT ACT OF 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 373, S. 736.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 736) to provide for improvements in the Federal hiring process and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Hiring Process Improvement Act of 2010''.

SEC. 2. DEFINITION.

In this Act, the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) shall not include the Government Accountability Office.

SEC. 3. STRATEGIC WORKFORCE PLAN.

(a) IN GENERAL.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of enactment of this Act and in every subsequent year, the head of each agency, in consultation with the Office of Personnel Management and the Office of Management and Budget, shall develop a strategic workforce plan as part of the agency performance plan required under section 1115 of title 31, United States Code, to include—

(A) hiring projections, including occupation and grade level;

(B) long-term and short-term strategic human capital planning to address critical skills deficiencies;

(C) recruitment strategies to attract highly qualified candidates from diverse backgrounds;

(D) streamlining the hiring process to conform with the provisions in this Act; and

(E) a specific analysis of the contractor workforce, whether the balance between work being performed by the Federal workforce and the contractor workforce should be adjusted, and the capacity of the agency to manage employees who are not Federal employees and are doing the work of the Government.

(2) INCLUSION IN PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) include the strategic workforce plan developed under section 3 of the Federal Hiring Process Improvement Act of 2010.''.

(b) HIRING PROJECTIONS.—Agencies shall make hiring projections made under strategic workforce plans available to the public, including on agency websites.

(c) SUBMISSION TO THE OFFICE OF PERSONNEL MANAGEMENT.—Each agency strategic workforce plan shall be submitted to the Office of Personnel Management.

(d) GOVERNMENTWIDE STRATEGIC WORKFORCE PLAN.—Based on the agency plans submitted under subsection (a), the Office of Personnel Management shall—

(1) develop a governmentwide strategic workforce plan updated at least annually to include the contents described under subsection (a)(1) on a governmentwide basis; and

(2) make such plan available to the President, Congress, and the public.

SEC. 4. FEDERAL JOB ANNOUNCEMENTS.

(a) TARGETED ANNOUNCEMENTS.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall—

(1) take steps necessary to target highly qualified applicant pools with diverse backgrounds before posting job announcements;

(2) clearly and prominently post job announcements in strategic locations convenient to, and accessible by, such targeted applicant pools;

(3) seek to develop relationships with targeted and diverse applicant pools to develop regular pipelines for high-quality applicants; and

(4) post job announcements for a reasonable period of time.

(b) PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a) shall not supersede public notice requirements.

(c) PLAIN WRITING REQUIREMENT.—

(1) DEFINITION.—In this subsection, the term ''plain writing'' means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

(2) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, all job announcements for Federal positions shall be in plain writing in accordance with guidance provided by the Office of Management and Budget.

(d) CONTACT INFORMATION.—Job announcements shall include contact information for applicants to seek further information.

SEC. 5. APPLICATION PROCESS AND NOTIFICATION REQUIREMENTS.

(a) APPLICATION PROCESS.—Not later than 180 days after the date of enactment of this Act and in consultation with the Office of Personnel Management and the Office of Management and Budget, the head of each agency shall develop processes to—

(1) ensure that job announcements are open for a reasonable period of time as determined by the head of the agency to allow applicants from diverse backgrounds time to submit an application;

(2) review and revise the hiring process of the agency to create a streamlined and timely system for hiring decisions;

(3) allow applicants to submit a cover letter, resume, and answers to brief questions, such as questions relating to United States citizenship and veterans status, to complete an application;

(4) allow applicants to submit application materials in a variety of formats, including word processing documents and portable document format;

(5) not require any applicant to provide a Social Security number or any other personal identifying information unnecessary for the initial review of an applicant for a position;

(6) not require lengthy writing requirements such as knowledge, skills, and ability essays as part of an initial application;

(7) not require the submission of additional material in support of an application, such as educational transcript, proof of veterans status, and professional certifications, unless necessary to complete the hiring process;

(8) provide for a valid, job-related assessment process to help identify the best candidates for the position to be filled and which does not place an unreasonable burden upon applicants;

(9) ensure that applicants are given a reasonable amount of time after the closing date of the job announcement to provide additional necessary information; and

(10) include the hiring manager in all parts of the hiring process, including—

(A) targeted recruitment;

(B) drafting the job announcement;

(C) review of the initial applications;

(D) interviewing the applicants; and

(E) the final decisionmaking process.

(b) NOTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall develop mechanisms under which each applicant for a Federal job vacancy shall receive timely notification of the status of each application or provide the applicant the ability to check on the status of each application.

(2) CONTENTS OF NOTIFICATION.—A notification to an applicant under this subsection shall include—

(A) notice of receipt of an application not later than 5 business days after the application was received by the employing agency;

(B) an explanation of the hiring process and an estimated timeline of the next actions in the process;

(C) notice of the qualification and status of an applicant after all applications for the applicable position have been initially reviewed and ranked;

(D) notice of the qualifications and status of the applicant after all interviews for the applicable position are completed;

(E) for all applicants selected for an interview, notice of the ongoing process if selected, including the process for any needed security clearance or suitability review, not later than the date of the interview; and

(F) notice to nonaccepted applicants that the applicable position is not open not later than 10 business days after the date on which—

(i) the selected candidate has accepted an offer of employment; or

(ii) the job announcement has been cancelled.

SEC. 6. APPLICANT INVENTORY.

(a) IN GENERAL.—Section 3330 of title 5, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e)(1) The Office of Personnel Management shall establish and keep current a comprehensive inventory of individuals seeking employment in the Federal Government.

''(2) The inventory under this subsection shall—

''(A) be made available to agencies for use in filling vacancies;

''(B) contain information voluntarily provided by applicants for employment, including—

''(i) the resume and contact information provided by the applicant; and

''(ii) any other information which the Office considers appropriate;

''(C) retain information for no longer than 1 calendar year;

''(D) not include information relating to—

''(i) the application of the applicant for a specific vacancy announcement; or

''(ii) any other information relating to vacancy announcements; and

''(E) shall provide for a mechanism to allow —

''(i) applicants to update resume, qualifications, and contact information; and

''(ii) agency officials to search information in the inventory by agency and job classification.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 7. TRAINING.

Not later than 120 days after the date of enactment of this Act—

(1) in consultation with the Chief Human Capital Officers Council, the Office of Personnel Management shall develop and notify agencies of a training program for human resources professionals to implement the requirements of this Act; and

(2) each agency shall develop and submit to the Office of Personnel Management a plan to implement the training program.

SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROCESS.

(a) AGENCY PLANS.—In consultation with the Office of Management and Budget, the head of each agency shall develop a plan to reduce the length of the hiring process, which shall include an analysis of the current hiring process performed in accordance with standards established by the Office of Personnel Management.

(b) REQUIREMENTS.—To the extent practical, the plan shall require that each agency fill identified vacancies not later than an average of 80 calendar days after the date of identification of the vacancy.

(c) REPORTS.—Each agency shall submit an annual report to Congress on the average period of time required to fill each job, and whether such jobs are cancelled or reopened.

SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.

(a) IN GENERAL.—Each agency shall measure and collect information on indicators of hiring effectiveness with respect to the following :

(1) RECRUITING AND HIRING.—

(A) Ability to reach and recruit highly qualified talent from diverse talent pools.

(B) Use and impact of each hiring authority and flexibility to recruit most qualified applicants, including the use of student internships and scholarship programs as a talent pool for permanent hires.

(C) Use and impact of special hiring authorities and flexibilities to recruit diverse candidates, including veteran, minority, and disabled candidates.

(D) The age, educational level, and source of applicants.

(E) Length of time between the time a position is advertised and the time a first offer of employment is made.

(F) Length of time between the time a first offer of employment for a position is made and the time a new hire starts in that position.

(G) Number of internal and external applicants for Federal positions.

(H) Number of positions filled compared to the specific number in the annual workforce plan of the agency, with specific reference to mission-critical occupations or areas of critical shortage deficiencies.

(I) Number of offers accepted compared to the number of offers made for permanent positions.

(2) HIRING MANAGER ASSESSMENT.—

(A) Manager satisfaction with the quality of the applicants interviewed and new hires.

(B) Manager satisfaction with the match between the skills of newly hired individuals and the needs of the agency.

(C) Manager satisfaction with the hiring process and hiring outcomes.

(D) Mission-critical deficiencies closed by new hires and the connection between mission-critical deficiencies and annual agency performance.

(E) Manager satisfaction with the length of time to fill a position.

(3) APPLICANT ASSESSMENT.—Applicant satisfaction with the hiring process (including clarity of job announcement, reasons for withdrawal of any application, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(4) NEW HIRE ASSESSMENT.—

(A) New hire satisfaction with the hiring process (including clarity of job announcement, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(B) Satisfaction with the onboarding experience (including timeliness of onboarding after the hiring decision, welcoming and orientation processes, and being provided with timely and useful new employee information and assistance).

(C) New hire attrition.

(D) Investment in training and development for employees during their first year of employment.

(E) Other indicators and measures as required by the Office of Personnel Management.

(b) REPORTS.—

(1) IN GENERAL.—Each agency shall submit on an annual basis and in accordance with regulations prescribed under subsection (c) the information collected under subsection (a) to the Office of Personnel Management.

(2) AVAILABILITY OF RECRUITING AND HIRING INFORMATION.—Each year the Office of Personnel Management shall provide the information submitted under paragraph (1) in a consistent format to allow for a comparison of hiring effectiveness and experience across demographic groups and agencies to—

(A) Congress before that information is made publicly available; and

(B) the public on the website of the Office not later than 90 days after the submission of the information under paragraph (1).

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations directing the methodology, timing, and reporting of the data described in subsection (a).

SEC. 10. REGULATIONS.

(a) IN GENERAL.—Except as provided under section 9(c), not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations as necessary to carry out this Act.

(b) CONSULTATION.—The Director of the Office of Personnel Management shall consult the Chief Human Capital Officers Council in the development of regulations under this section.

Mr. LEVIN. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 736), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE NOMINATION—DISCHARGE AND REFERRAL

Mr. LEVIN. Mr. President, as in executive session, I ask unanimous consent that the Senate now proceed to the nomination of John S. Pistole, to be Assistant Secretary of Department of Homeland Security, Transportation Security Administration, received by the Senate on Monday, May 17, and referred to the Committee on Commerce; that upon the reporting out of or discharge of the nomination the nomination then be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 calendars days; after which the nomination, if still in committee, be discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Public Law 106–567, appoints the following individual to serve as a member of the Public Interest Declassification Board: William A. Burck of the District of Columbia.

ORDERS FOR WEDNESDAY, MAY 19, 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 3217, Wall Street reform, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, under the previous order, the cloture vote on the substitute amendment will occur at 2 p.m. As a reminder, the filing deadline for second-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:40 p.m., adjourned until Wednesday, May 19, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

HELEN PATRICIA REED-ROWE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SCOTT A. VANDER HAMM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. HUNTOON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JAMES P. MCMANAMON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ADAM H. HAMAWY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID S. WELDON

EXTENSIONS OF REMARKS

CONGRATULATING TRACE ADKINS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mrs. BLACKBURN. Madam Speaker, it is with great pride that I congratulate Trace Adkins on receiving the Daughters of the American Revolution prestigious Medal of Honor award. In accepting, Trace will add his name next to previous Medal of Honor recipients; including former New York City Mayor Rudolph W. Giuliani, Charlton Heston, former U.S. Senator Robert Dole, and fellow recording artist Miss Patti Page.

One of the most unique aspects of my service in the United Sates Congress is the opportunity to meet talented and dedicated professionals from across the great State of Tennessee. I have long believed the true greatness of our State and country does not lie in its government or institutions, but solely in the creativity, integrity, and passion of its people. We in Tennessee are fortunate to have one of these individuals who exemplify the volunteer spirit and strive to make our community and our country better every day.

Over the years, I have come to know Trace not just as an exceptional artist and performer, but to consider him both a friend and a valued resource. In talking with Trace, his undying love for our country and his genuine support of the brave men and women who currently serve or previously served in the military always stand out.

Earlier this year, Trace went to the Pentagon and received special permission for his heartfelt request to perform his song ''Til the Last Shot's Fired'' with the West Point Glee Club. At the 44th Annual Academy of Country Music Awards, this performance was not just the highlight of the night, but it allowed Trace to shine a spotlight on the Wounded Warrior Project which provides programs and services for severely injured service members as they transition back to civilian life.

President Ronald Reagan said that if we love our country we should also love our countrymen. One of the clearest examples of living daily these words is Trace Adkins. Whether it's through his successful musical career, his faith community, or other ventures, Trace carries in his heart the spirit of what makes America great. I join with his wife Rhonda and their five daughters in offering praise and thanks to Trace on this wonderful occasion. Please join me in congratulating Trace Adkins and his family on this well-deserved award.

HONORING DAVID ASHLEIGH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate David Ashleigh upon the dedication of the Modesto Junior College Swimming Center to be named in his honor. The dedication and naming ceremony will be held on Saturday, May 22, 2010, at the Dave Ashleigh Aquatic Center.

Mr. David Ashleigh attended Whittier High School in southern California, where he participated in water polo from 1957 through 1961. During his high school water polo career the team won the California Interscholastic Federation, CIF, championship in 1957, 1958 and 1959. In 1960, he was selected for the Helm's Hall of Fame second team (equivalent to the High School All-American teams today). During his senior year, Whittier High School took second place in CIF. He served as the team captain, was the leading scorer, named Most Valuable Player and was selected for the Helm's Hall of Fame first team. Upon graduating from high school, Mr. Ashleigh attended Cerritos Junior College.

While attending Cerritos Junior College, Mr. Ashleigh participated on both the water polo and swim teams. He was named team captain of the water polo team and the swim team both years he participated. He was the leading scorer and was awarded Most Valuable Player of the water polo team both years. Mr. Ashleigh was named the Junior College All-American Player of the Year in 1962 and 1963. On the swim team he participated in the 100 and 200 breaststroke as well as the 200 and 400 individual medleys. He set school records in all four events and set junior college national records in the 200 breaststroke and the 400 individual medley. In 1963 Mr. Ashleigh was voted the Cerritos College Athlete of the Year.

In 1963 Mr. Ashleigh played water polo and participated on the swim team while attending the University of California, Los Angeles, UCLA. During his first season he was the leading scorer, named Most Valuable Player and was selected as a first team All-American. Mr. Ashleigh red-shifted the 1964 season so that he was able to be a member of the USA Olympic water polo team in Tokyo, Japan. For the U.S. team he played the defensive hole guard and played every minute of every game from the preliminary through the final games. The team placed ninth.

Returning to the UCLA team in 1965, Mr. Ashleigh was named team captain and led the team to be the first undefeated sports team in UCLA history. He was named Most Valuable Player and was selected as a first team All-American. Mr. Ashleigh also swam in 1964 and 1965 for UCLA, where he became the first All-American at UCLA in swimming and was the first swimmer in the National Collegiate Athletic Association, NCAA, history to flip-turn all turns in the 1650 meter freestyle. Mr. Ashleigh set UCLA school records in the 1650 and 500 freestyle, the 200 breaststroke and the 400 individual medley.

Mr. Ashleigh was a member of the 1964 through 1968 U.S. National Water Polo team and was the 1968 U.S. Olympic water polo team co-captain. In 1967 he was the team captain of the Pan-American Team, which was the first U.S. team to win gold in International Competition outside of the United States. For his amazing accomplishments, Mr. Ashleigh was awarded the James Lee Award for the Most Outstanding Player at U.S. Nationals in 1965 and from 1963 through 1968 was named All-American in U.S. water polo, AAU.

In 1968 Mr. Ashleigh began coaching water polo and swimming at Modesto Swim and Racquet Club in Modesto, California. During the 3 years that he coached there, he had an overall record of 235 wins and only 43 losses. He coached the boys 14 and under 1971 Junior Olympics National Champion water polo team. Later he coached the boys 12 and under and boys 14 and under swim teams that set national records in the 200 freestyle relay and the 200 medley relay.

Mr. Ashleigh began coaching swimming and water polo at Modesto Junior College in 1971. In his 27-year career at the college he compiled an overall record of 827 wins and 272 losses. He had 51 winning seasons out of 54 total seasons and has 27 Conference Championships, between the two sports. Under his direction, the water polo team has an overall record of 487–178. Eighteen of his water polo teams made it to the California State Championship Tournament, 81 athletes were selected as All-Americans, 13 conference championships and 5 NorCal championships. From 1984 to 1990 his swim team was 73–0 in dual meets; from 1977 to 1992 the team was 158–11–1 in dual meets. He coached 78 All-American swimmers. The swim team won 14 conference championships and 4 state championships.

In 1991, Mr. Ashleigh began participating in Masters water polo. He played on various teams and won three world championships and placed second three times. While playing Masters, he had the opportunity to play water polo in Australia, Germany, New Zealand, Great Britain, Croatia, Hungary, Italy and India. He was inducted into the California Community College Athletic Hall of Fame in two divisions (coach and player) and was named the 2008 S.O.S. Athlete of the Year. In 1978, Mr. Ashleigh was elected into the U.S. Water Polo Hall of Fame and will be inducted into the UCLA Athletic Hall of Fame in 2010.

Madam Speaker, I rise today to commend and congratulate David Ashleigh upon his many achievements being honored at the new Dave Ashleigh Aquatic Center. I invite my colleagues to join me in wishing Mr. Ashleigh congratulations on his many accomplishments and many years of continued success.

SNOHOMISH COUNTY WORLD WAR II VETERAN'S PROJECT

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. LARSEN of Washington. Madam Speaker, today I rise to recognize the Snohomish

County World War II Veteran's Project participants and organizers.

I would like to begin by thanking all veterans for their service to our country. From the beaches of Normandy to the mountains of Afghanistan, our men and women in uniform have overcome and continue to overcome tremendous adversity to fulfill their missions.

Our nation's veterans have helped keep us safe, and helped keep us free.

It is important that our community remembers and honors the sacrifices made by the men and women who have served in our military, as well as their families and supporters.

Although future generations may never meet a veteran of World War II, the book assembled by Janell Wood and Christina Moore, "War and Sacrifice," will help all of us understand how our neighbors in and around Snohomish County contributed to this nation's largest war effort at home and abroad.

I thank Janell and Christina for their work recording the individual histories of this diverse group that came together to defeat the Axis Powers. I also recognize the following individuals whose experiences during World War II comprise this book, and honor them for their service:

Lois Auchterlonie, Elwood Barker, William Brayton, Donald Brown, Lawrence "Maggie" Bryant, Jospeh Burkard, Dan Burris, H.B. "Chris" Christie, Paul Cormier, Herbert Courtney, William Dean, Ted Dufour, Roy Eastman, Fred Ensslin, Earl Horn, William Huested, Frank Hutchins, Leo Hymas, Stanley Innes, Edwin Kirchgessner, Grace Kortbein, Arthur Langdon, Marcelle "Honey" Langdon, Arthur Larson, Eleanor Leight, Leonard Martin, Harold McMahon, Truman Merritt, William Miller, William Moore, Robert Otto, David Pesznecker, Wallace Pesznecker, Art Poier, Paul Schaus, Ervin Schmidt, Allen Stewart, Jack Terhar, George Thorleifson, William Tygret, Louise Vandervanter, Maurice Vincent, Mick Wagelie, Jack Walter, Maynard Wege, Theodore West, Lonnie Williams, and Robert Willingham.

Our nation's triumph in World War II could not have occurred without the hard work and sacrifice of these men and women and millions of others who gave up ordinary jobs as teachers, factory workers, and businessmen to fight enemies of freedom around the world.

Upon returning to the United States and civilian life, these brave men and women helped America achieve an era of unprecedented economic prosperity.

To the veterans of World War II, and those that supported them, thank you for service to our country, and your involvement in our community.

EXPRESSING APPRECIATION FOR JOHN TAYLOR'S SERVICE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. TANNER. Madam Speaker, I rise today to recognize the accomplishments of John Taylor and honor his more than 40 years of service with the National Wildlife Refuge System.

Refuge Manager John Taylor began his career with the National Wildlife Refuge System in 1969 as a GS–3 Student Trainee. For three years he worked with the Mattamuskeet, Piedmont, and Back Bay National Wildlife Refuges. In 1971 he was promoted to his first assistant manager's position.

His career has taken him across the continent, from North Carolina to Alaska. He has worked with 15 refuges across 9 states. He worked with several refuges just as they were being set up, including the Becharof and Alaska National Wildlife Refuges.

While working with the Alligator River and Currituck National Wildlife Refuges he was instrumental in the Red Wolf Reintroduction Program. Red wolves were nearly extinct ten years ago. Now, thanks to his efforts, they can once again be seen in their natural environment.

John Taylor also supported the establishment of the Clarks River National Wildlife Refuge, the first Refuge in the state of Kentucky.

John Taylor has worked selflessly for more then 40 years to protect and preserve the beauty of our country's natural environment for future generations. For the last 19 years, he has served as the Refuge Manager of the Tennessee Natural Resource Refuge. He has been noted for his leadership abilities and his eagerness to get the public further engaged in conservation efforts.

Tennessee's natural beauty and amazing diversity of plant and animal life remain one of its most treasured endowments for future generations.

Madam Speaker, please join me today in thanking John Taylor for his years of service both to the public and to the environment. He will be missed, and we wish him well on his retirement.

RECOGNIZING NAVAJO ELEMENTARY SCHOOL—LEGO ROBOTICS TEAM ROBOBUFFS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the Navajo Elementary School's Lego Robotics Team, in Scottsdale, Arizona. Building upon their STEM focused education, nine extraordinary students made it to the semi-finals at the FIRST LEGO League State Championship which I attended at ASU's Ira A. Fulton School of Engineering this past winter.

As a teacher for almost 28 years, I understand the importance of hands-on learning experiences and real-life scenarios that help students connect learning in the classroom to the real world. I believe that Navajo's STEM (Science, Technology, Engineering, and Mathematics) curriculum is key to creating a learning environment that fosters innovation and creativity.

The kind of teamwork and creative thinking that was shown in the RoboBuff's design is going to help return our country to economic prosperity. Any one of these students might be the next Bill Gates.

Navajo Elementary is giving its students a head start, preparing them for college and beyond. In this competition, they are not only taking math and science curriculum to the next level through problem-solving and experimentation, but are learning life skills.

Madam Speaker, please join me in recognizing the extraordinary achievement of the Navajo Elementary School Lego Robotics Team: Tatianna Walker, Hailey Freeman, Nick Lowry, Tino Velez, Michael Majercin, Chad Bonfanti, Wade McEachern, Abby White and TJ Smith, along with the exceptional leadership of their coaches Cathy White and Chip Bonfanti, and their mentors Dr. Christine Loots, Dr. Bill Johnson, Jim Deng, Alicia Payne and David Schaeffer.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes:

Mr. HARE. Mr. Chair, I rise today in strong support of this first amendment en bloc to the America COMPETES Reauthorization Act of 2010. I support this legislation because I believe a substantial investment in science, technology, engineering, and mathematics translates to innovation and good-paying jobs. As a member of the Education and Labor Committee, it is clear to me how federal grant opportunities for colleges provides for a strong American workforce.

Mr. Chair, included in this en bloc amendment is language I authored which seeks to give every higher education institution, regardless of funding history or its location, a fair shot at receiving funding.

I have concerns that a disproportional amount of the funding authorized under this bill would end up being awarded to large institutions, which may eclipse small colleges and universities, many of which are located throughout rural America.

Let me be clear—I strongly support, and encourage, all institutions of higher learning to pursue federal STEM funding opportunities. What my provision does is simply express the sense of Congress that when the grant-making authority is evaluating two or more applications of equal merit, that additional consideration should be given to applicants in rural areas and those that have no history of federal STEM grant funding.

Mr. Chair, because there are many bigger schools which have an entire staff dedicated to searching for grant opportunities, I believe that we must ensure there is a level playing field so that all areas of this nation and schools of all sizes and resources are able to benefit.

I believe the language I authored will benefit the overall legislation by enabling unprecedented STEM funding access to schools all across this nation.

I would like to close by thanking and congratulating Chairman GORDON and Ranking Member HALL for their extraordinary work in crafting the underlying bill. I was proud to support the 2007 COMPETES legislation, and I am proud to support its reauthorization.

I urge all of my colleagues to join me in supporting both en bloc amendment number one and the final passage of the America COMPETES Reauthorization Act.

HONORING QUINN CHAPEL AME CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. KILDEE. Madam Speaker, on May 28 Quinn Chapel African Methodist Episcopal Church will celebrate 135 years of Christian service in my hometown of Flint, Michigan.

Mrs. Nancy West opened her home for a prayer service in 1875 and Quinn Chapel was formed. Named after Bishop William Paul Quinn, the congregation dedicated their first sanctuary 2 years later. Over the years Quinn Chapel has occupied different structures, dedicating the current edifice in 1958.

For the past 135 years, Quinn Chapel has provided leadership, inspiration, guidance, and strength to individuals and families in the Flint area. The Ministries of Quinn have encouraged the priorities of higher education, healthcare, business and professionalism in the congregation. The Ministries include: The After School Program; The Young People's Department; The Scholarship Committee; The Commission on Christian Social Action, The Commission on Health; The Commission on Public Relations; The Commission on Christian Education; The Commission on Mission and Welfare; The Commission on Membership and The Debutante Cotillion.

The keynote speaker at the 135th Anniversary celebration is Roland Martin, award-winning journalist and nationally syndicated columnist. Named by Ebony Magazine in 2008 and 2009 as one of the 150 Most Influential African Americans in the United States, Mr. Martin is a commentator for TV One Cable Network, host of ''Washington Watch with Roland Martin,'' a CNN Analyst and Senior Analyst with the Tom Joyner Morning Show. He has authored several books, received numerous awards both in the United States and the United Kingdom and was inducted into the Texas A&M University Journalism Hall of Honor in 2008.

Madam Speaker, under the leadership of Reverend Stanley U. Sims, Quinn Chapel African Methodist Episcopal Church continues the long tradition of Spirit-filled enthusiasm for worship, love, service, and ''assisting them to become all that God created them to be.'' I pray that the ministers, staff, and congregation of Quinn Chapel will continue their work and spread the Gospel of Jesus Christ for many, many years to come.

RECOGNIZING PETTIS NORMAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize a truly remarkable man and exceptional citizen of Dallas, Texas, Mr. Pettis Norman. I am very privileged to consider Mr. Norman a dear friend, and it is an honor to recognize him before this Congress and the entire country.

Pettis Norman has always been a man of strong character and deep emotional conviction. He was born to Fessor and Eloise Norman in Lincolntown, Georgia and spent his formative years in North Carolina. As the youngest child in a large family, he learned early on the value of his own personal integrity, and to this day, it remains one of his most admirable qualities.

Mr. Norman received a degree from Johnson C. Smith University in Charlotte, North Carolina, and it was there that he became active in the civil rights movement. He participated in lunch counter sit-ins that ultimately spread to cities and states across the country. These sit-ins marked a turning point for the movement and served as a spark for the African-American community to organize, be heard, and protest peacefully. Mr. Norman took part in these with a deep sense of integrity and the simple belief that all people should be judged on the depth of their character and not the color of their skin.

After Mr. Norman graduated from college, he moved to Dallas, Texas to play for the Cowboys in 1962. To this day, he is regarded as one of the greatest tight ends the team has ever had, and his resolve on the field has yet to be matched. Truly, the city fell in love with Mr. Norman just as Mr. Norman fell in love with Dallas, and I believe that the city has gained so much because of him. As a football player, Coach Landry held him in high regard, and still says that trading Mr. Norman to the San Diego Chargers was one of the most difficult decisions he ever made.

Mr. Norman returned to Dallas after two seasons in San Diego to settle into a permanent home. He has been active in civic life ever since, and he is still highly regarded in the community. The people of Dallas consider him an all time favorite, and I believe that it is his moral character and steadfast nature that so endear him to the people he meets.

Madam Speaker, Pettis Norman was an amazing football player and is an outstanding citizen today. I ask my fellow colleagues to join me in honoring this great man who has done remarkable things throughout his life and still considers his personal integrity his most variable trait.

MR. SHANE KENNEDY

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. COLE. Madam Speaker, I rise today in recognition of Mr. Shane Kennedy for his quick thinking and level-headedness during the severe tornado outbreak in Oklahoma on May 10th.

Kennedy, a co-manager at the Country Boy IGA in Norman that was leveled during last week's tornado outbreak, left his place of employment, observed the oncoming tornado, and returned to the store to direct 40 customers and employees to seek shelter in the store's freezer. While the store sustained irreparable damages, none of the 40 patrons suffered significant injuries. As two tornadoes ripped down Highway 9 and through the Country Boy IGA, Kennedy led the group in prayer until the storm system passed.

Madam Speaker, had it not been for Kennedy's foresight and resolve, this severe storm could have ended in great tragedy. But his fortitude and strength protected these 40 lives from grave danger.

Time and again, Oklahomans have risen to the challenge in the face of adversity. I am once more impressed by the strength and resiliency of Oklahomans through Kennedy's swift and skillful response to protect his fellow Oklahomans.

Madam Speaker, Mr. Kennedy deserves our thanks and appreciation. As an American and an Oklahoman, I am proud to be able to represent Mr. Kennedy, and wish him well.

RECOGNIZING PROGRESSIVE FINANCIAL SERVICES, INC. ON ITS 15TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Progressive Financial Services, Inc. as they celebrate their fifteenth year of doing business in Tempe, Arizona.

As our economy recovers, Progressive Financial Services, Inc. has successfully weathered the downturn and managed to create and maintain jobs in our community, building a workforce of more than 200 employees. This, in addition to the company's future plans to add more jobs, embodies the current mission in the United States Congress to stimulate the economy and provide work for its citizens. Therefore, my office would like to thank and congratulate Progressive Financial Services, Inc. and wish the company continued success in the future.

As a former mayor, I am pleased to have such a vibrant and prosperous business in my hometown of Tempe and within my district.

I urge you, Madam Speaker, to join me in rising to applaud the employees, management team of Progressive Financial Services, Inc. for their achievements and growth over the last fifteen years.

HONORING CAPTAIN JOSEPH GUYTON

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. WITTMAN. Madam Speaker, I rise today to honor and pay special tribute to a dedicated American and true patriot for whose service to this country as a Captain in the United States Army deserves our sincere gratitude. Capt. Joseph ''Joe'' Guyton of Stafford, Virginia served with the U.S. Army's 5th Stryker division in Kandahar, Afghanistan. On August 11th, 2009, while Capt. Guyton was conducting a mounted area reconnaissance his unit was attacked by an improvised explosive device. Against all odds he somehow survived, however, the attack left him with severe injuries that resulted in the bilateral amputation of both of his legs.

Currently Capt. Guyton is continuing his recovery with the aid of his loving wife Amy at Walter Reed Medical Army Center. He amazes and inspires us all with his will to live and a special can do attitude. As he now fights a very different kind of war, rebuilding his life without the aid of his two front legs, he now runs with his heart. His continued faith and courage in the coming years will serve as a source of inspiration to those around him and a lesson to us all. We should all offer our sincere blessings to him and his fine family that has stood with him through this ordeal. Capt. Guyton and his wife, Amy, intend to move back to where they first met at the University of Virginia to raise a family.

This poem, entitled "Stryking Deep!" was penned in Capt. Guyton's honor by a close friend, Albert Caswell.

STRYKING DEEP!

Stryking Hard!
Stryking Fast! Stryking Deep!
All in our lives, these things that which last! All in our lives to keep!
Are but, all of those things that which count! That, all hearts should so seek!
All in our hearts of love, like our gifts from above . . . that which so makes our Lord so weep!
All along our life's path, our Full Measure upon this earth as asked . . . to climb mountains, steep!
For there are only so many minutes, before out life's path is complete!
To leave behind, all in our lives . . . those things which last, oh how so very sweet!
For from This Great Old Dominion . . .
Have but come, such great patriotic sons of distinction! Such Fine Virginians!
The likes of Washington and Lee, Marshall and Jefferson . . . all of these ones!
Who for our Country Tis of Thee, did what must so be done!
As when a Cavalier, went off to war . . .
To Strike Out, and So Very Deep . . . for our Nations Freedom, to ensure!
Yea, he wasn't no regular Joe! For Strength In Honor, was his code!
Marching into the face of death . . . for us . . . the things he bore!
Remember, you sleep well this night!
All because of such men of light, who our Freedom's so ensure!
Who So Face Death! And To Us So Bless! Can you, but not ask for more?
As when that day came, as all in the midst of hell . . .
Near death, as he so lay . . . close to death that day! As when his fine heart would so swell!
As when he made that choice, to Stryk Back and Stryk Deep . . . and listen to his inner voice!
All in his loss, all in his pain! Looking down, as his strong legs so no longer so remained . . .
As upon, his most courageous face . . . the tears began to rain!
As his new war had begun, for this one of Virginia's finest Southern Sons . . .
To Teach Us, To Reach Us, To All Hearts . . . To So Beseech Us!
Stryking all of our Hearts, so very deep! With his courage and faith, that he would so keep!
Because, men like him . . . who with their hearts, towards Heaven run . . .
Our lives, will never be the same! And Capt. Joe Guyton, is his name!
And if I ever have a Son, I but hope and pray he could be like this one . . .
Moments, are all we have! All in our lives, To Stryk!
For What Is True! For What Is Deep! If its Heaven we wish to keep!
For such noble things in life, to so live and die for . . . is what is right!
For only from such hearts of Magnificence, can come light!
WILL WE STAND? WILL WE STRYK! STRYK!

I extend to Captain Guyton my gratitude and deep appreciation for his service to the Nation.

RECOGNIZING THE GREATER SEATTLE BUSINESS ASSOCIATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. MCDERMOTT. Madam Speaker, today I rise to offer special recognition to the Greater Seattle Business Association (GSBA) as it celebrates the 20th anniversary of its Scholarship Fund for undergraduate students. For two decades, these scholarships have provided promise and support for Lesbian, Gay, Bisexual, and Transgendered (LGBT) and Allied students with strong commitment to civil rights.

In 1990, two teachers witnessed the challenges that confronted LGBT students as they pursued a college education, including discrimination from professors, harassment by other students, and unsupportive families. These teachers took matters into their own hands and created the GSBA Scholarship Fund, the first scholarship fund for LGBT students in the United States. That year, the GSBA gave two scholarships of $1,500 each. Since then, the Fund has grown significantly, and now grants a total of $135,000 in scholarships each year, with the individual scholarships ranging in size from $3,000 to $10,000.

One thing that makes the Scholarship Fund so special is the diversity of the students it supports. GSBA scholars come from every corner of Washington State, from cities and from rural communities. They are people of color, male, female, and transgender. But no matter where they come from, these talented students have the drive and the passion to achieve great things in their lives. Indeed, former GSBA scholars have gone on to become doctors, social workers, teachers and public servants. And these scholars have continued to fight for social justice and equality for all, regardless of the careers they chose.

This 20th anniversary marks a particularly special milestone for the GSBA Scholarship Fund—the awarding of its one millionth dollar to support the education of LGBT and Allied students. The unfailing dedication of time, money, and talent by GSBA leadership, members, and volunteers have made this achievement possible. I extend my thanks and best wishes to the GSBA and its outstanding scholars on their twenty years of changing lives and creating hope.

HONORING PARAMEDIC BRET ANDERSON

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Paramedic Bret Anderson for being selected as the Bartlett Fire Department's 2009 Firefighter of the Year.

Since joining the Bartlett Fire Department in 2006, Bret Anderson has been known around the fire station for his positive attitude, his compassion, and his high regard for patients which has brought peace and comfort to many in times of crisis. After learning the ropes as a rookie and a lot of hard work, Paramedic Anderson has established himself as one of the premier first responders in Shelby County. Paramedic Anderson has displayed this knowledge and skill through several high impact incidents over the past year where his expertise contributed to positive outcomes.

I am pleased to know that experienced first responders like Bret Anderson are hard at work each day keeping the citizens of Bartlett safe. With his broad knowledge of life saving techniques, many people are alive today due to his quick action and high regard for the people he is treating. Paramedic Anderson has my deep gratitude and respect as he continues to selflessly serve our community each day by providing swift medical treatment wherever lives are on the line.

Please join me in honoring Bret Anderson and wishing him and his wife Farrah and their two children Zack and Taylor the best on this well-deserved award.

HONORING BOB REYES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Bob Reyes upon his retirement as the Principal of Fresno High School. After almost 40 years in education, Mr. Reyes will retire in June 2010.

Mr. Reyes spent the first 26 years of his career with the Kerman Unified School District. He served as a classroom teacher for 13 years and then moved into the administration office as an assistant principal at Kerman High School. After 8 years he was promoted to principal and spent 5 years leading Kerman High School.

Mr. Reyes was hired as the principal of Fresno High School in 1997. Over the past 13 years, Mr. Reyes has provided tremendous leadership to the school. The school's academic performance index scores have grown 149 points since 1999, and there has been a significant improvement in the test scores for the California Standardized Test in more recent years. In 2002 Mr. Reyes implemented the International Baccalaureate, IB, Program at Fresno High School, a program that prepares students to be independent learners with a focus on higher education. The program is accredited and graduates are looked upon highly by colleges and universities around the world. The IB Program has grown from the original "Great 8" in 2002 to a current enrollment of over 500 students.

Mr. Reyes recently started the Parent Institute for Quality Education to encourage more parental involvement. Over 200 parents have graduated from the program this year, which is the highest number in the San Joaquin Valley. Beyond the school, Mr. Reyes is active within the community, working to improve community relations by closely working with the Historic Fresno High Neighborhood Association.

Through his years of dedicated service, Mr. Reyes has received many awards from numerous organizations, including the "Heart of the City'' by the Fresno First Baptist Church three times, ''Diversity in Education Award'' by the Association of California School Administrators, ''Community Service Recognition Award'' by the Fresno County Board of Supervisors, and was named ''Administrator of the Year'' by the Association of Mexican American Educators. Mr. Reyes has also served as a board member for the Community Food Bank in Fresno. The Fresno County Board of Supervisors honored Mr. Reyes in January when they named January 26, 2010 as ''Principal Bob Reyes Day'' in Fresno County. After his years of commitment and service to the students, staff and surrounding community, an anonymous donor to Fresno High School honored Mr. Reyes by establishing an annual award given to a student at the school in his honor called ''The Bob Reyes Leadership Award.''

Madam Speaker, I rise today to commend and congratulate Principal Bob Reyes upon his retirement from Fresno High School. I invite my colleagues to join me in wishing Mr. Reyes many years of continued success.

LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Mr. BLUMENAUER. Mr. Speaker, the decades-long, unresolved crisis caused by the Lord's Resistance Army, LRA, is one of Africa's longest running and most gruesome rebel wars. For over 20 years, Uganda, a country slightly smaller than Oregon, and its neighbors have suffered from brutal massacres and torture instigated by the LRA. Originally based in northern Uganda, the LRA have infiltrated northeastern Congo, southern Sudan, and the Central African Republic. The humanitarian crisis has resulted in the torture, rape, and death of thousands of civilians and the displacement of over 1.5 million people. Over the past decade, the LRA has abducted over 20,000 children for forced conscription and sexual exploitation. In northern Uganda, children living outside protected camps often leave their homes at night to sleep in hospitals or churches for fear of attack.

The ongoing crisis in Central Africa instigated by the LRA demands more attention, more support, and a more effective plan of action. A fellow Oregonian and constituent of mine, Lisa Shannon, founded the ''Run for Congo Women,'' which has grown into a global movement that has raised over $600,000 for Women for Women International's Congo program.

I'm pleased that we can help her efforts with S. 1067, which directs the administration to develop a strategy to protect civilians and increase aid and awareness about the effects of the war on the people, governments, and economies of the region. We must act to help Uganda and the three other LRA-affected countries aid their displaced citizens and rebuild their basic services, government, and economic infrastructure.

TRIBUTE TO NESIN THERAPY

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. GRIFFITH. Madam Speaker, I rise today to pay tribute to a great business in my District, Nesin Therapy Services. In 1987, Janet Nesin founded Nesin Therapy Services from her home in Madison, Alabama.

The initial practice focused on providing contract physical therapy services for home health agencies and nursing homes. Janet's primary goals included controlling the quality of physical therapy services and providing flexible work schedules for her employees. She began the practice with one employee, who remains with the company today.

Despite the turbulence that often accompanies the initial years of small business, the company enjoyed relative success and by 1994 the company had over 15 employees and gross sales were growing. Both of Mrs. Nesin's daughters worked with the business from the beginning and as each completed their respective physical therapy degrees, began to treat patients.

In 1999, gross sales continued to rise. However, with the inherent instability of contracting in the health care industry, the company downsized to 7 employees and began transitioning from contract services to an independent outpatient clinic. This decision by the Nesins, spurred from the loss of a major contract, proved to be the pivotal point for the ultimate success of the company.

Nesin Therapy focused on providing exceptional care, marketed avidly, and capitalized on changes in the local health care market. By 2001, the outpatient division had rapidly expanded and the clinic was moved to Nesin Therapy's current Madison location. In 2002, the business shifted exclusively to outpatient physical therapy services and gross sales once again began to climb.

In 2003, with 13 employees, the decision was made to expand into Huntsville. During this time, increased profitability allowed for the expansion to be funded in cash and, in addition to providing more competitive salaries, bonuses were given to employees. The second clinic was opened June 2004 in Southeast Huntsville. Nesin Therapy Services has grown into a thriving family-owned business with 35 employees and a newly opened third clinic in January of 2011.

Nesin Therapy Services has been the recipient of a number of awards over the years. The past several years have included the 2008 Huntsville/Madison County Chamber of Commerce Small Business of the Year Award; a 2008, 2009 Best Places to Work Award Winner; a 2009, 2010 United States Chamber Blue Ribbon Small Business Winner; and a 2010 United States Small Business Administration Family Owned Small Business State and Regional Winner.

So, Madam Speaker, I am pleased to highlight this great corporate citizen of North Alabama.

HONORING OFFICER STEVEN SONES

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Officer Steven Sones for being selected as the Bartlett Police Department's 2009 Officer of the Year.

The primary mission of the Bartlett, Tennessee Police Department is to protect and serve the citizens of the community. On April 23, 2009, Officer Steven Sones demonstrated his commitment to mission when he was called to the scene of a mentally disturbed suspect wielding two large kitchen knives and threatening harm to herself and others. As the hours of the intense standoff wore on, the suspect made an abrupt move as if she was going to stab herself. At the moment, the years of dedication, devotion, and training of Officer Sones leaped in as he was able to fire a non-lethal beanbag shot that temporarily disabled the suspect and allowed his fellow officers the opportunity to end the threatening situation without harm to all involved.

Officer Sones began his career with Bartlett Police Department in 2001 when he was hired as a jailer for the City. He stayed with the jail until he was selected as a Patrolman in December of 2004 and participates voluntarily in several special units within the Department. His work with the Crime Suppression Unit and the Special Response Team (S.R.T.) has earned him a reputation as one of the best rounded officers in the Department.

Please join me in honoring Steven Sones and wishing him and his wife, Elisha, and their two children Abby and Bryce, the best on this well-deserved award.

TAHOMA HIGH SCHOOL ''WE THE PEOPLE''

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. REICHERT. Madam Speaker, in January I recognized students and teachers at Tahoma High School for earning first place in the ''We the People'' competition.

Now, Madam Speaker, I'm happy to congratulate those same students and teachers for earning the national ''Unit Five Award'' by accruing the most points in the fifth unit of the ''We the People'' textbook—a unit that expounds on the rights protected by the Bill of Rights.

The students participated in a three-day academic competition that simulates a congressional hearing. Students demonstrate their knowledge and skills as they evaluate, take, and defend positions on historical and contemporary constitutional issues. Annual surveys consistently show that high school students who take part in ''We the People'' outperform national samples of high school students participating in the National Assessment of Educational Progress political test by at least 22%.

Madam Speaker, the names of these outstanding students from Tahoma High School are: Mariah Anderson, Austin Arnold, Krzysztof Bieniek, McKenna Blenz, Chad Burgess, Casey Campbell, Matthew Cunningham, Wiley Duerson, Robin Hanson, Matthew Herman, John Iatesta, David Mahoney, Savannah Marstall, Melissa Moorehead, Tucker Murrey, Eric Nucci, Shelby Pelon, Chanse Pierson, Talitha Shiroma, Jordyn Sifferman, Karissa Smith, Carolyn Stevens, and Jonelle Thorsheim.

Also, I want to commend the teacher of the class, Mrs. Gretchen Wulfing, who is responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition: Mr. Kathy Hand, the state coordinator, and Mr. Brad Ulrich, the district coordinator, who are responsible for implementing the ''We the People'' program in the 8th District. I know the ''We the People'' organization and the students of the 8th District will continue on the path to knowledge and wisdom. Thank you.

HONORING ANDY COULOURIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating State Representative Andy Coulouris as he leaves the Michigan Legislature to become the public affairs manager for Dow Corning Corporation in Washington, DC. A farewell event will be held in his honor on May 24 in Saginaw, Michigan.

After graduating from Arthur Hill High School, Andy earned a bachelor's degree in political science from the University of Michigan and a law degree from the University of Michigan Law School. Active in public service, Andy served on the Saginaw City Council for 3 years and was an assistant prosecuting attorney for Saginaw County. He was elected to the Michigan House of Representatives for the 95th District. He recently resigned from his second term on April 30.

Andy has worked with the Saginaw County Domestic Assault Response Team, the Bridge Center for Racial Harmony, the Saginaw County Bar Association, the Saginaw Downtown Development Authority, and he is a Vestry Member at St. John's Episcopal Church in Saginaw. Andy and his wife, Natasha, have 2 daughters, Alexandria and Mia.

Madam Speaker, please join me in congratulating Andy Coulouris as he starts his new position. I wish him the best as he enters the next phase of his life.

LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009

SPEECH OF

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to express my strong support for S. 1067, the LRA Disarmament and Northern Uganda Recovery Act.

I am grateful for the leadership that has brought this important legislation—which I am pleased to cosponsor—to the floor and to bring visibility, focus, and renewed attention and resources to what some have called an Invisible Conflict.

For too long, the Lord's Resistance Army, LRA, has been conducting a campaign of violence and terror against the people of northern Uganda which has spread to southern Sudan and parts of the Democratic Republic of Congo and the Central African Republic.

In each of these areas, the LRA is destroying lives and communities. Women and children are particularly targeted by this vicious group and have suffered harsh abuses and atrocities at the hands of the LRA and its ruthless leaders.

Joseph Kony, the man directing this group's atrocious and senseless violence, and two other LRA commanders are wanted for war crimes and crimes against humanity by the International Criminal Court. The ICC indictment lists 33 charges against him including murder, enslavement, sexual enslavement, rape, intentionally directing attacks against civilian population, and the forced enlisting of children into the rebel ranks.

Just last week, media reports indicated that the UN is investigating new allegations of a previously unreported LRA attack in February in a very remote part of the Democratic Republic of Congo that killed over 100 people.

Unfortunately, unless more attention and resources are paid to stopping the LRA, we will probably only continue to hear more similar disheartening and tragic reports in the coming months and weeks.

It is clear that current efforts to apprehend Kony and other LRA leaders are not working and vulnerable civilians in the region continue to pay the price with their lives for that failure. These terrorists must be brought to justice. The international community needs to step up its efforts to rid the affected communities of this threat and help them rebuild and recover. The U.S. can and must play a key role in that effort.

The bill before us today, S. 1067—the LRA Disarmament and Northern Uganda Recovery Act, makes U.S. policy very clear: to work vigorously for a lasting resolution to the conflict in northern and eastern Uganda and other areas terrorized by the LRA and to eliminate the threat posed by the Lord's Resistance Army to civilians using the political, economic, military, and intelligence tools available to our nation in a comprehensive and multilateral effort that will result in greater protection of innocent civilians and lead to the capture of Joseph Kony and other commanders of the LRA.

This bill is the work of exemplary leadership from colleagues from both sides of the aisle including Congressman JIM MCGOVERN who has been a long time champion for ending conflict and promoting peace.

This legislation is also the result of the hard work of thousands of activists across the country—young and old—including from my district as well who want to ensure justice and peace for the many victims of the LRA.

The bill would give the administration a strong mandate to act swiftly and effectively to lead multilateral efforts to protect children and families from LRA attacks and put a permanent end to these atrocities.

It would require the U.S. to create a strategy working with our international allies on a viable plan to protect civilians from LRA attacks, support the capacity of local authorities to maintain the rule of law, prevent conflict, and diplomatically engage on a regional basis to address the threat posed by the LRA.

Lastly, it would express support for U.S. efforts and funding to assist the people of Uganda and the Government of Uganda in rebuilding and recovery projects in areas of northern and eastern Uganda heavily affected by fighting with the LRA and authorize humanitarian aid aimed directly at the families and communities that have been and continue to be victimized by the LRA, including the children pressed into service as soldiers by the LRA.

The tremendous suffering caused by the LRA cannot end soon enough. I urge my colleagues to vote yes on this bill.

HONORING PATRICIA DAUGHERTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Patricia Daugherty for her dedication to her family and community. Mrs. Daugherty passed away in March 2010 at the age of 83.

Mrs. Patricia Daugherty was born on October 5, 1926, in Santa Monica, California. Upon graduating from high school, she attended the University of California, Berkley for 2 years, and then completed her elementary education major at the University of California, Santa Barbara. In 1949, she married James Harsh and had two children, Betsy and Jim.

Mrs. Daugherty's teaching career began in Ventura, California and continued in Manhattan Beach, California. Mrs. Daugherty moved to Mariposa, California, where she continued her teaching career. She began at the elementary school teaching the fourth grade and later transferred to Mariposa County High School teaching language arts. She also advised the journalism, yearbook, newspaper, competitive speech, Shakespeare, composition and creative writing classes. During her tenure at the high school, Mrs. Daugherty was also involved with drama, as well as the junior and senior plays. She was the first pep club advisor and later served as the senior class advisor.

In 1974, Mrs. Daugherty retired. She and her second husband, Sid Daugherty, moved to Joseph, Oregon. In 1976 they built a house on San Juan Island, where they lived until 1980, when Mr. Daugherty's business took them to Port Townsend, Washington. In 1982, they moved to Santa Barbara, where they remained for the next 10 years. In 1992, Mr. and Mrs. Daugherty returned to San Juan Island for a few years, until Mr. Daugherty's health declined and they moved to Yuba City, California. Mr. Daugherty passed away on October 1, 1999.

Mrs. Daugherty returned to Mariposa in June 2001. She enjoyed visiting with her former students and colleagues and spending time with her children, grandchildren and great-grandchildren. Mrs. Daugherty is survived by her son Jim, his wife Jan and grandsons Jeff and Dillon; her daughter Betsy and her husband John Montoya; her granddaughter Shannon and her husband Joe Marcus; great granddaughters Sydney, Jordan and Delany; her sisters Trudy Allison and

Phyllis Coolures; her stepchildren Jeanette Daugherty, Pat Perez, Sam Daugherty and their children and grandchildren, as well as her many nieces and nephews.

Madam Speaker, I rise today to posthumously honor Patricia Daugherty. I invite my colleagues to join me in honoring her life and wishing the best for her family.

HOPE CLINIC FOR WOMEN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mrs. BLACKBURN. Madam Speaker, life is precious. While some vote, some pray, many others put all their efforts to their beliefs and work to offer women alternative choices to abortion. I am proud to join with organizations like the Hope Clinic for Women as they stand with women throughout Middle Tennessee. I especially congratulate Bob and Janie Yeager as they are honored tonight for their longstanding commitment to the Hope Clinic for Women, at the Hope for the Future Gala.

Rejoicing over birth, saddened through miscarriage, burdened by abortion, or excited for adoption, women facing these crucial moments in life find quality assistance and loving guidance at the Hope Clinic. For 26 years, the Hope Clinic has been a place, regardless of social standing, ability to pay, or religious affiliation, for women to receive free pregnancy tests, counseling, free ultrasounds, and medical care. Staff and volunteers don't simply stop with the health and wellbeing of the mother, they step in to provide formula, diapers, clothing, cribs, and strollers to the very least among us. Seeking to advocate total health for women struggling with Post Partum Depression, a partnership with St. Thomas Health Services began in 2008 as well.

With open doors and open hearts, the Hope Clinic is also a trusted voice, equipping Middle Tennessee's youth with information about abstinence, healthy life choices, and counseling programs.

Whether it's a safe place to call ''home'' for a woman carrying her child, or a sound clinic offering personal medical services regardless of ability to pay, the Hope Clinic for Women serves onsite over 2,000 clients each year, and reaches thousands more in the Middle Tennessee area. I ask my colleagues to join me in thanking the Hope Clinic for Women, and those who continue to support such worthy efforts, for protecting life through every stage.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Thursday, February 4, 2010. I apologize for the delay in submitting this statement.

For Thursday, February 4, 2010, had I been present I would have voted ''aye'' on rollcall vote No. 39 (on agreeing to the Halvorson amendment to H.R. 4061), ''aye'' on rollcall vote No. 40 (on agreeing to the Kilroy amendment to H.R. 4061), ''aye'' on rollcall vote No. 41 (on agreeing to the Kissell amendment to H.R. 4061), ''aye'' on rollcall vote No. 42 (on agreeing to the Owens amendment to H.R. 4061), ''aye'' on rollcall vote No. 43 (on passage of H.R. 4061).

HONORING COUNCILMAN N. JOHN AMATO FOR HIS RECORD YEARS IN PUBLIC SERVICE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the longest serving councilperson in Cherry Hill Township, Councilman N. John Amato, for his 27 years in public service. Councilman Amato has demonstrated significant leadership and dedication to his community, and for this he deserves great praise.

Councilman Amato is a graduate of Rutgers University and holds a Masters degree from Kean College. He moved to the Erlton neighborhood in Cherry Hill in 1963 where he has resided ever since. He was first elected in 1983 and continues to serve Cherry Hill Township. In addition, as a licensed public accountant, Councilman Amato is an administrator for Rutgers University's LEAP Academy, a magnet school serving the City of Camden, New Jersey.

The Councilman devotes his time and effort to his community in many different ways. He is a Eucharistic minister and lector at the Queen of Heaven Roman Catholic Church and also serves on the board of the Young Adolescent Learning Environment School for children with special needs. He is active in the Sons of Italy and is former Board President of the Camden County Vocational Schools.

Councilman Amato and his wife, Marion, have two daughters, Rosemary and Irena, and two grandchildren, Michael and Francesca. He is famous for playing Santa Claus at Christmastime for charitable organizations and the Cherry Hill Mall.

Madam Speaker, Councilman Amato's contributions to his field and to the state of New Jersey should not go unrecognized. I want to personally thank the Councilman for the exceptional leadership he has provided and the impact he has made in Cherry Hill. I congratulate Councilman Amato on his accomplishments and wish him the best of luck in his future endeavors.

HONORING THE SERVICE MEMBERS OF THE 101ST AIRBORNE (AIR ASSAULT) AS THEY DEPART FOR AFGHANISTAN

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to honor the service and sacrifice of the brave men and women stationed at Fort Campbell who I have the distinct privilege to represent in Congress.

Later this week, soldiers from the 101st Airborne, Air Assault will be deploying yet again to Afghanistan to help defeat extremism in a nation not yet completely safe from those who prey on freedom. For many of these courageous Americans, this will be their 4th or 5th tour to either Iraq or Afghanistan.

There is no doubt that these frequent deployments have taken a serious toll on military families. However, when I had the opportunity to visit with the soldiers readying for deployment, they looked at that fact as just an example of the supreme confidence that our military leaders have in their ability to accomplish our mission as efficiently and effectively as possible. I, for one, could not agree more.

In a very short period of time, our country will be marking the 10th anniversary of the September 11th terrorist attacks. And along with that, we recognize the decade-long commitment from our service members and their families to prosecute the Global War on Terror and bring peace and stability to a war-torn region of the world.

Madam Speaker, I hope that every member of this body will keep the soldiers of the 101st Airborne, as well as all of the members of the Armed Forces, in their thoughts and prayers as they continue to keep our country safe and secure.

May God bless and watch over our Nation's finest and their families, and may He continue to bless the United States of America.

HONORING MABEL ROWNEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Mabel ''Gay'' Rowney for her dedication to her family and community. Mrs. Rowney passed away on April 23, 2010 at the age of 92.

Mrs. Mabel Rowney was born on August 20, 1917 in Elk River, Idaho. At a young age she met and married Harold Rowney, and together they had eight children. She filled the role of mother and organizer of the family very well. She was a talented musician and taught generations of Mariposa children to play the piano. For over 30 years, Mrs. Rowney served as the organist of Saint Joseph's Church. She sang in various community choirs, performed for many years in the Mariposa Chamber Group and was the pianist for a number of Lion's Follies. Mrs. Rowney was especially well known for her baked goods. The children that went to her house for piano lessons always looked forward to warm, fresh cookies and the smell of homemade bread.

Mrs. Rowney was preceded in death by her husband, Harold. She is survived by her children Beejee Allan, Veronica Gross, Christopher Rowney, Jill Rowney, Teresa Dulberg, Roscoe Rowney, Mark Rowney and Lisa Rowney; sixteen grandchildren and eight great grandchildren.

Madam Speaker, I rise today to posthumously honor Mabel Rowney. I invite my colleagues to join me in honoring her life and wishing the best for her family.

HONORING LOUIS HERING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to one of the outstanding citizens of our nation's capital, Mr. Louis Hering. I would like to thank Mr. Hering for his extraordinary contributions to the cultural pursuits of his community during the two decades of his residence here and his five plus years of leadership and service to Washington, DC's very own Opera Lafayette.

On June 8, 2010, Opera Lafayette will be holding a Benefit Celebration at La Maison Francaise, Embassy of France, in Washington, DC. During this celebration, Mr. Hering will be honored for his exemplary leadership at the helm of this unique and critically acclaimed opera company. Opera Lafayette is an American period instrument ensemble dedicated to performing 17th and 18th century operas, particularly the French repertoire.

Mr. Hering served on the Board of Opera Lafayette for the last five years, the last three of which he served as Chairman. Under his leadership, the company moved its performance location to the Kennedy Center and also began performing at the Lincoln Center in New York City. In addition, four of the company's five recordings were released on the Naxos label (many never previously recorded). Due to the growth of the company, the DC Commission on the Arts and Humanities and the National Endowment for the Arts are now awarding support to Opera Lafayette and its opera education program, which brings music and opera education to 5th grade students in disadvantaged DC neighborhoods.

This year, under Mr. Hering's leadership and as part of Opera Lafayette's 15th Anniversary Celebration, the company performed to sold out audiences in the 2,400 seat Concert Hall at the Kennedy Center and the 1,200 seat Rose Theater at the Lincoln Center. No seats were priced over $15 and many children in low income school districts attended for free, including many whom Mr. Hering personally sponsored. If that was not enough, the performances received rave reviews in both the Washington Post and New York Times.

Madam Speaker, I ask my colleagues to join me in thanking Mr. Hering for his leadership and service on behalf of the arts community of our nation's capital and congratulating him for the honor being bestowed on him by Opera Lafayette on June 8, 2010.

FINANCIAL NET WORTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SENSENBRENNER. Madam Speaker, through the following statement, I am making my financial net worth as of March 31, 2010, a matter of public record. I have filed similar statements for each of the 31 preceding years I have served in the Congress.

ASSETS

	Real Property
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $1,363,505). Ratio of assessed to market value: 100% ((Unencumbered)	$1,363,505.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	$151,900.00
Undivided 25/44ths interest in single family Residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $1,541,500.	$875,852.27
Total Real Property	$2,391,257.27

Common & Preferred Stock	# of shares	$ per share	Value
Abbott Laboratories, Inc	12200	52.68	642,696.00
Alcatel-Lucent	135	3.12	421.20
Allstate Corporation	370	32.31	11,954.70
AT&T	5996.390447	25.75	154,407.05
JP Morgan Chase	4539	44.75	203,120.25
Benton County Mining Company	333	0.00	0.00
BP PLC	3604	57.07	205,680.28
Centerpoint Energy	300	14.36	4,308.00
Chenequa Country Club Realty Co	1	0.00	0.00
Comcast	634	18.83	11,938.22
Darden Restaurants, Inc	2160	44.54	96,206.40
Discover Financial Services	156	14.90	2,324.40
Dun & Bradstreet, Inc	1250	74.42	93,025.00
E.I. DuPont de Nemours Corp	1200	37.24	44,688.00
Eastman Chemical Co	270	63.68	17,193.60
Eastman Kodak	1080	5.79	6,253.20
El Paso Energy	150	10.84	1,626.00
Exxon Mobil Corp	9728	66.98	651,581.44
Gartner Inc	651	22.24	14,478.24
General Electric Co	15600	18.20	283,920.00
General Mills, Inc	2280	70.79	161,401.20
Hospira	1220	56.65	69,113.00
Imation Corp	99	11.01	1,089.99
Kellogg Corp	3200	53.43	170,976.00
Merck & Co., Inc	24082	37.35	899,462.70
3M Company	2000	83.57	167,140.00
Medco Health Solutions, Inc	8218	64.56	530,554.08
Monsanto Corporation	2852.315	71.42	203,712.34
Moody's	5000	29.75	148,750.00
Morgan Stanley	312	29.29	9,138.48
NCR Corp	68	13.80	938.40
Newell Rubbermaid	1676	15.20	25,475.20
JP Morgan Money Mkt	119.11	1.00	119.11
Pactiv Corp	200	25.18	5,036.00
PG & E Corp	175	42.42	7,423.50
Pfizer	30415	17.15	521,617.25
Qwest	571	5.22	2,980.62
RRI Energy, Inc	236	3.69	870.84
Sandusky Voting Trust	26	1.00	26.00
Solutia	82	16.11	1,321.02
Tenneco Inc	182	23.65	4,304.30
Teradata	68	28.89	1,964.52
Unisys, Inc	16	34.89	558.24
US Bancorp	3081	25.88	79,736.28
Verizon	1604.303389	31.02	49,765.49
Vodaphone	323	23.31	7,529.13
Wisconsin Energy	1022	49.41	50,497.02
Total Common & Preferred Stocks & Bonds			$5,567,322.69

Life Insurance Policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000	92,092.28
Northwestern Mutual #4574061	30,000	221,513,91
Massachusetts Mutual #4116575	10,000	13,509.93
Massachusetts Mutual #4228344	100,000	345,735.52
American General Life Ins. #5–1607059L	175,000	41,845.21
Total Life Insurance Policies		$714,696.85

Bank & Savings & Loan Accounts	Balance
JP Morgan Chase Bank, checking account	35,600.24
JP Morgan Chase Bank, savings account	99,339.63
M&I Lake Country Bank, Hartland, WI, checking account	7,390.76
M&I Lake Country Bank, Hartland, WI, savings account	371.56
Burke & Herbert Bank, Alexandria, VA, checking account	1,312.51
JP Morgan, IRA accounts	142,832.49
Total Bank & Savings & Loan Accounts	$286,847.19

Miscellaneous	Value
2007 Chevrolet Impala	10,065.00
1994 Cadillac Deville—retail value	2,125.00
1996 Buick Regal—retail value	2,050.00
1991 Buick Century automobile—retail value	775.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	180,000.00
Stamp collection (estimated)	130,000.00
Deposits in Congressional Retirement Fund	196,816.21
Deposits in Federal Thrift Savings Plan	368,311.59
Traveler's checks	7,800.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	5,500.00
20 ft. Pontoon boat & 40 hp Mercury outboard motor (estimated)	10,500.00
Total Miscellaneous	$914,942.80
Total Assets	$9,875,066.80

Liabilities	
None	
Total Liabilities	$0.00
Net Worth	$9,875,066.80

Federal Income Tax	$107,228.00
Wisconsin Income Tax	$37,253.00
Menomonee Falls, WI Property Tax	$2,562.00
Chenequa, WI Property Tax	$21,920.00
Alexandria, VA Property Tax	$13,450.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

HONORING CHARLES D. KIRKHAM, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor the life and work of a great Texan and dear friend, Mr. Charles D. Kirkham, Jr. who recently passed away at the age of 84.

Mr. Kirkham was a remarkable person who leaves behind a legacy of excellence and distinction. He led a passionate life that saw many unique events, and he worked diligently throughout his days to better himself and his family. I knew him to be a man that never bought into racial or gender bias, and instead admired people because of their character and sincerity. I send my deep condolences to his family for their loss, and my thoughts will be with them during this difficult time.

Mr. Kirkham was born on July 28, 1925, in Cleburn, Texas, to Charles D. Kirkham, Sr. and Mary Ellen Payne Kirkham. He graduated from Cleburn High School in 1943 and shortly thereafter he left for Europe to fight in World War II with the 94th Infantry Division. It was there that he performed heroic actions that garnered him a Purple Heart and a Unit Commendation Bronze Star. He returned to Texas after the war and received a degree from Texas A&M University in 1950 where he served as President of the Student Senate.

After completing his degree, Mr. Kirkham began a long and industrious career with Merrill Lynch where he worked for 45 years. He was a successful stock broker and made a name for himself that people still regard in high esteem today. He served in the Texas

House of Representatives during the 53rd and 54th Legislature representing Cleburn and Johnson counties. Throughout his life, he was active with Texas A&M University and served on the Board of Directors of the Association of Former Students.

Madam Speaker, I am so privileged to be able to bring the life of Charles Kirkham to the attention of this Congress. He was a man of great character and deep personal conviction, and he will be truly missed. I ask my fellow colleagues to join me today in honoring the life of this great man who led a noble life and gave wholeheartedly to his community.

HONORING JOHN WILLIAM "BLIND" BOONE

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the late John William "Blind" Boone, famed ragtime musician and a proud son of Missouri. It is my honor and privilege to participate in the celebration and observance of Boone's birthday, Monday, May 17, 2010. I would also like to recognize the members of the John William "Blind" Boone Heritage Foundation, who plan to restore and preserve the home where "Blind" Boone lived in Columbia, Missouri, coinciding with his birthday.

John William Boone was born on May 17, 1864, in the midst of the Civil War. Soon after his birth, he was diagnosed with a life-threatening illness that doctors referred to as a "brain fever." Doctors believed the only chance for survival would come through a radical operation that would end the brain swelling; they would have to remove his eyes.

The procedure was a success and would alter the course of his life. Boone faced much adversity but soldiered through. His musical talents were noticed early on, and he would later become one of the legendary musicians of his era, with a classical repertoire, which included folk music, religious songs and, most famously, ragtime. In 1912, he was contacted by the QRS Piano Roll Company and became one of the first African American artists to cut piano rolls.

Music allowed Boone to cross many racial boundaries and brought him all over the world, bringing diverse audiences together. Boone enjoyed an illustrious career and spent the remainder of his life in Columbia, Missouri.

In closing, Madam Speaker, I ask all my colleagues to join me in acknowledging John William "Blind" Boone and his contributions to the arts.

COLONEL ANTHONY C. FUNKHOUSER

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. COLE. Madam Speaker, I rise today to honor a great public servant, the outgoing Army Corps of Engineers Commander and Division Engineer for the Southwestern Division, Colonel Anthony C. Funkhouser.

Colonel Funkhouser began his public service at West Point, New York where he earned a Bachelor of Science degree in Civil Engineering at the United States Military Academy. During his 25 years of distinguished service as an engineer he has had the opportunity to serve in theater during Desert Shield/Desert Storm and Operation Iraqi Freedom as well as serving at numerous installations including Eschborn, Germany; Fort Hood, Texas; Fort Leonard Wood, Missouri; and Fort Irwin, California. He has served as the Tulsa District's Commander since 2007 and in 2009, while retaining the Tulsa Command, was promoted to Commander and Division Engineer of the Southwestern Division.

Madam Speaker, his outstanding service and bravery has earned him the Bronze Star Medal with "V" Device, the Combat Action Badge, Marine Corps Expeditionary Medal, Army Achievement Medal with five oak leaf clusters, National Defense Service Medal, Terrorism Expeditionary and Service Medals, Southwest Asia Service Medal, Military Outstanding Volunteer Medal, Meritorious Service Medal with five oak leaf clusters, and Saudi Arabian and Kuwaiti Liberation medals.

During Colonel Funkhouser's service as Commander of the U.S. Army Engineer Division's Tulsa District beginning in June 2007, he has shown tremendous leadership, professionalism, and adaptability. He has performed his duty in such a way as to earn great respect from his colleagues. Immediately at the conclusion of his change of command ceremony on June 29th, he was challenged to address historic flooding issues at Lake Texoma and Lake Waurika. In the past three years of Colonel Funkhouser's service at the Tulsa District, he has addressed infrastructure needs and shown that his skills lie not only in engineering but working well with all of the diverse groups that rely upon his leadership and judgment.

Madam Speaker, it is a great honor to recognize Colonel Anthony Funkhouser for his dedication to the United States Army. We are a better and stronger nation because of his service.

RECOGNIZING DEPUTY CHIEF OF STAFF MARVIN "MAC" KING

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of my Deputy Chief of Staff, Marvin "Mac" King, who has been on my staff for many years and leaves his work on Capitol Hill to join his wife, Col. Barbara King, a doctor of dental surgery with the Air Force specializing in prosthetic dentistry, in Okinawa, Japan.

Mac first came to my office as an intern in the early 90s after obtaining his law degree. During the time of his internship in my office, Mac excelled in all tasks assigned to him. I knew he would be a valuable and important asset to the Ortiz Team.

Mac, a graduate of Texas A&M University with a bachelor's degree in petroleum engineering and a juris doctor degree from the University of Arkansas in Little Rock, has worked as a reservoir engineer with the Natural Gas Pipeline of America in Houston, Texas, and has served as president and technical manager of Losack Inc. in San Antonio, Texas. He has also served as acting counsel in the House of Representatives for the House Subcommittee on Oceanography, the Gulf of Mexico, and the Outer Continental Shelf and as a consulting engineer for Research Management Consultants Inc.

Shortly after the conclusion of his internship, Mac became a full-time employee in my Washington, DC, office where he served as legislative director and counsel from 1995 to 2002. I never doubted Mac's skills and in 2002 I named him deputy chief of staff and he continued to serve as my counsel. At that time, Mac oversaw a staff of ten to sixteen employees in my offices in Washington, DC, Corpus Christi and Brownsville, Texas.

Mac became so good at what he did—he was the "go-to" person in our office. Through the years, I saw Mac grow from an intern to an aggressive and well-rounded legislative guru who knew the ins and outs of Congress.

In 2006, Mac left the House of Representatives to work as deputy director for strategic communications with the Joint Improvised Explosive Device Defeat Organization.

However, it was too early for Mac to leave Congress, or that's how I like to think of it. In 2009, after more than three years of being out of the Halls of Congress, Mac returned to my office as legislative director and counsel. Within months Mac was appointed deputy chief of staff, a position he will hold until Friday, May 21, 2010.

Mac leaves the Ortiz Team to go live in Okinawa, Japan, with his lovely wife, Barbara. I take this time to thank Mac for his invaluable and relentless work and service for the 27th District of Texas.

I ask my colleagues to join me in honoring the work and service of Mac for his more than 12 years of employment in the House of Representatives. On behalf of the people of the United States of America, I extend a warm and heartfelt thank you to Marvin "Mac" King for all he has done to better the 27th District of Texas and this great country.

INTRODUCTION OF PATENT AND TRADEMARK OFFICE FUNDING STABILIZATION ACT OF 2010

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. CONYERS. Madam Speaker, today we seek to do the right thing for our nation's inventors and innovative businesses—provide the United States Patent and Trademark Office, USPTO, with the resources for reliable and sustainable funding. This bill does this by giving the USPTO fee-setting authority, providing the USPTO with the authority to impose a 15 percent temporary surcharge for all of the USPTO's fees, and preventing fees that the USPTO collects from being diverted away from the agency for unrelated government programs. I strongly support this bill because it would help the USPTO hire additional examiners, help reduce the backlog of patent applications, and improve patent quality.

The USPTO is in the midst of a crisis. According to the Commerce Department's own figures, the number of unexamined patents has ballooned to over 750,000. Moreover, the pendency time for a final disposition is 35 months—not counting appeals. Yet, despite it taking longer for the USPTO to do examination, many experts believe that the quality of patents has actually declined in recent years. Increased backlogs and poor patent quality affect not only the agency, they hurt American innovation, and delay our economic and jobs recovery.

While I support the current patent reform negotiations between the House and Senate, this bill will help to immediately begin to address the fiscal problems of the USPTO. I am still fully supportive of a larger patent reform effort and look forward to working with our Senate colleagues to bridge the gaps between the current House and Senate versions of reform. We are working with the Senate and have been engaged in discussions to make changes to their bill to improve patent quality and decrease the backlog. We want to continue to work with the Senate on the patent reform bill to get the best proposal. Our members in the House and their staffs have been working to resolve the differences between the House and Senate bills to address the needs of the innovation community. We remain open and willing to have a continuing dialogue with our colleagues in the Senate.

The USPTO does not take money from taxpayers. It is fully funded by user fees and generates revenues from those fees. Unfortunately, fees have been diverted to other uses, and this has made it difficult for the USPTO to hire and retain qualified examiners and address patent backlog issues.

Acknowledging these challenges, the USPTO has developed a number of initiatives to address its backlog and quality issues. These initiatives include giving patent examiners more time to do a quality examination of patent applications, targeted hiring of experienced professionals to become patent examiners, restructuring the incentives framework for examiners, and upgrading and improving the agency's information technology resources.

Together, these initiatives are expected to substantially improve quality and lower the backlog. However, these programs cannot be achieved without adequate funding, which the USPTO currently does not have.

Most of the fees the USPTO currently collects are statutorily set, and the fees are collected by the USPTO and deposited in the federal treasury. According to the Intellectual Properties Owners Association, IPO, $737 million in fees collected between 1991 and 2004 were never transferred back to the USPTO and instead remained in the general treasury fund for purposes unrelated to intellectual property. As an agency within the Department of Commerce, the USPTO is subject to the appropriations process and collected fees must be transferred back to the USPTO through a yearly appropriation.

It is time for Congress to stop the bleeding and step in. I have worked in a bipartisan manner in the past to solve the problem of fee diversion. The USPTO's problems are not out there on Wall Street or in the Gulf of Mexico, they are right here on our doorstep. People lose jobs when technology does not make it to the market. These are problems that are in our power to fix, and that we must fix, and that can be traced directly to the current fee structure which is cumbersome, reactionary, and at times arbitrary.

This bill requires the USPTO to consult with its stakeholder Public Advisory Committees before publishing a proposed fee change. It also requires a 45-day public comment period. And, to ensure continued close congressional oversight, it also includes a separate 45-day congressional comment period before fee changes can be implemented. Lastly, the bill will sunset this new authority in 10 years, giving Congress an opportunity to evaluate how well this grant of authority worked and whether it should be continued.

The anti-diversion and 15 percent surcharge language in the bill will help the Patent and Trademark Office address its pressing short-term budgetary needs. The provisions in this bill will go a long way to correct the USPTO's fiscal and infrastructure problems. Without stability the USPTO cannot hire examiners, upgrade IT systems, or institute important operational initiatives that are critical to the PTO's vitality. To remain strong in the increasingly competitive global market, the U.S. must have an efficient and effective patent office. This bill is one step to ensure the U.S. remains a technological leader now and going forward into the future.

Under the current system, fees often do not correspond to the realities of the USPTO's operations or needs. For example, under the current structure, patent applicants pay only about one-third of the costs associated with examination, regardless of whether the patent is granted. Fees are thus out of alignment in terms of what applicants pay and what they cost the office. Not only is this arguably not fair to successful patentees, it is inefficient.

Back-end fees are notoriously hard to predict, especially in an economic downturn. Thus, the agency gets stuck with budgets that do not correspond to its front-end services. The result is that the USPTO's hands are tied, and the agency cannot pursue much-needed modernization and improvements. Accordingly, pendency and quality worsen.

For those who wish to wait for a more comprehensive patent reform bill, I say this: we cannot afford to wait. The provisions of this bill are necessary to make sure that the USPTO has adequate funding, and we recognize the hurdles that lie ahead as we advance these provisions. We plan to work with the Appropriations Committee and the Congressional Budget Office to address any concerns they may have with this legislation. Without action USPTO fees are likely to be diverted, and we must pass this bill to correct this problem that has been going on for far too long. Nothing is more critical to the health of the USPTO than to have the sort of long-term budget stability that this bill will provide.

TRIBUTE TO HAYWOOD HILLYER III, LOUISIANA REPUBLICAN PARTY PIONEER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BONNER. Madam Speaker, it is with great sadness that I rise to note the recent quieting of a beloved and tireless conservative voice in Louisiana, Mr. Haywood H. Hillyer III.

Mr. Hillyer was a passionate public servant and a man of action. He was a Republican in Louisiana when Republicans were as rare in that state as a July snowfall. His dedication to conservative principles and his boundless enthusiasm played a pivotal role in transforming the Republican Party into a viable political force in Louisiana.

While in college, Haywood Hillyer was among a group of students who interacted with conservative icon William F. Buckley, Jr. His passion for ideas led him to found and edit a conservative college newspaper, The Liberator.

When Mr. Hillyer helped take on the monumental task of growing the Republican Party in the Pelican State, there were a mere 10,000 followers statewide. Today, there are over 750,000 Republicans in Louisiana. Haywood Hillyer served on the Republican State Central Committee of Louisiana for 25 years, and ran for governor.

Mr. Hillyer was also a great patron of New Orleans jazz music, and was featured as a commentator in several jazz documentaries, recalling listening to local jazz pioneers in their youth, and he continued to support local jazz organizations throughout the rest of his life.

Haywood Hillyer graduated from Tulane University and Tulane Law School. He served as an attorney for many years for what is now the Milling Benson Woodward law firm. Haywood was elected to several positions within the Louisiana State Bar Association and the Federal Bar Association. He was also an amateur sailor and racer, and a civic leader.

On behalf of conservatives throughout the country, I wish to pay tribute to Mr. Hillyer for his distinguished leadership and exemplary life. Mr. Hillyer is survived by two sons, Haywood Hillyer IV and Richard Quin Hillyer; a stepson, Tyler Wood Duncan; and a stepdaughter, Halley Randolph Rash, as well as countless other friends and family.

They are all in our thoughts and prayers at this difficult time.

TRIBUTE TO MR. WALDESTRUDIS "WALTER" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SERRANO. Madam Speaker, I rise today to offer tribute to Mr. Waldestrudis "Walter" Torres, a Puerto Rican Vietnam War hero from my district who recently passed away at the age of 62. Walter was a brave and committed man. He honored himself and his country on the battlefields of Vietnam before returning home to lead a quiet life of civil service. He spent nearly four decades in service to others, as both soldier and civilian.

Walter was born in Coamo, Puerto Rico, on April 10, 1947. In 1967, at the age of 20, Walter joined the U.S. Marine Corps and was soon sent to Vietnam. Like so many of the more than 48,000 Puerto Ricans who served during Vietnam, Walter distinguished himself in combat. For courage and bravery, Walter received the Battle Star Medal, the National Defense Medal, the Vietnam Campaign Medal and the Vietnam Services Medal with Three Stars.

After leaving the service, Walter was gainfully employed and hardworking his entire life.

He held positions with the U.S. Federal Government Printing Office as a pressman, the U.S. Post Office as a letter carrier, and later joined the private sector in the board sales business. In 2003, Walter joined the American Association of Retired Persons' Senior Community Services Employment Program, AARP/SCSEP, as a job developer. Walter flourished in this environment, directly impacting the lives of over 1,000 seniors who participate in the program for employment placement services. In 2010, Walter was promoted to be assistant director of the program. In 6 years, he missed only one day of work.

Madam Speaker, Waldestrudis Torres was an outstanding individual and an extraordinary example of American strength and character. Hardworking and large-hearted, he placed service to community and country above all else and should be remembered for his deep sense of commitment to others. I ask that my colleagues join me in honoring the life of Waldestrudis "Walter" Torres.

ON JESSIE PAVLINAC'S SERVICE AS PRESIDENT OF THE AMERICAN DIETETIC ASSOCIATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. SCHRADER. Madam Speaker, my state of Oregon has its share of remarkable people. One of whom I wish to recognize today is a constituent of mine, Jessie Pavlinac, a registered dietitian from Oregon City.

As a registered dietitian, Jessie directs nutrition and patient services for adult and pediatric patients at Oregon Health and Science University Hospitals and Clinics in Portland. She is an instructor at OHSU's School of Medicine, the preceptor for the dietetic internship program where she has influenced the careers of thousands of dietitians for more than 27 years, and is also a faculty member of the University of Phoenix in Portland. Her specialty in dietetics is the complex area of renal nutrition and transplant nutrition support, both of which will increase in importance owing to our nation's aging population.

She and her husband Randy, and their two sons, lived for nearly 20 years on a small family berry farm, an experience which has given her a life-long commitment to a reliable, sustainable and safe food supply for the health of our nation.

Jessie Pavlinac's commitment to good nutrition and health has led her to numerous leadership positions in the American Dietetic Association, the world's largest organization of food and nutrition professionals. Since June 1, 2009, Jessie has served as ADA's 84th president. Her term as president expires at the end of May. Among the many accomplishments of the American Dietetic Association during Jessie Pavlinac's presidency, ADA will end this Fiscal Year on May 31 with its largest membership ever—more than 71,000.

In addition to serving her patients and students, Jessie has held numerous positions in the dietetics profession, including president of both the Portland Dietetic Association and the Oregon Dietetic Association. A partial listing of her many awards and honors includes the National Kidney Foundation Council on Renal Nutrition Recognized Dietitian Award, OHSU's "Hidden Treasure" Award, ADA's Council on Education Outstanding Dietetics Educator, the Oregon Dietetic Association Award of Merit, and the 2006 Nutrition Ambassador Scholarship.

After completion of her bachelor's degree at Oregon State University, Jessie earned a master's degree from the University of Wisconsin.

Founded in 1917, ADA is committed to improving the nation's health and advancing the profession through research, education and advocacy. Approximately three-fourths of ADA's members are registered dietitians. Other members include dietetic technicians registered, educators, researchers, and students. In fact, nearly half of the membership holds advanced academic degrees. ADA members serve throughout the nation's healthcare system as well as in nonprofit organizations, schools, correctional facilities, government, and community organizations. They can also be found in the food industry, health clubs, weight management clinics, wellness centers, and as consultants.

Madam Speaker, I want to extend my congratulations and best wishes to Jessie Pavlinac for completing a successful term as President of the American Dietetic Association, and for her service to her patients, her colleagues, her profession, and our nation.

TRIBUTE TO VALERIE HILL, UNDERSHERIFF OF RIVERSIDE COUNTY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from the 44th congressional district of California for her outstanding contributions and achievements. Valerie Hill, a 31-year veteran of the Riverside County Sheriff's Department, was recently awarded the 2010 "ATHENA" Award of the Inland Valley for being a valued role model who represents excellence in her profession, extensive community service, and generous mentoring. The ATHENA Awards program, which was created in 1982 and is an extension of local Chamber of Commerce's, recognizes outstanding professional and business women in the community.

Valerie is the first woman to be undersheriff of Riverside County. Prior to this appointment, she received a bachelor's degree in business management and went on to be a female hostage negotiator field training officer and assistant sheriff. She has served in Lake Elsinore, Jurupa, Moreno Valley, and Riverside, where she has mentored many women in the department.

Valerie has received a number of awards recognizing her accomplishments. In 2006, she was president of the Southern California Jail Managers Association, and in 2007, she received the lifetime achievement award from the Law Enforcement Appreciation Committee. In 2002, she was a YWCA Woman of Achievement, in 2004 she was recognized as Inland Empire Magazine's Woman Who Makes a Difference, and in 2005 received the Gold Key Award from Soroptimist International.

She was president of Operation Safe House and the Riverside Area Rape Crisis Center and also served as chair for the YWCA's Evening of Achievement event. Additionally, Valerie makes time with her family to serve hot meals to the homeless and is an active member of Kiwanis of Riverside.

Valerie Hill's tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Valerie a fellow community member and American. I know that many community members are grateful for her service and salute her as she receives this prestigious recognition of honor.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes:

Mr. GORDON of Tennessee. Madam Chair, I would like to thank Chairman MILLER of the Education and Labor Committee for working cooperatively with the Science and Technology Committee on H.R. 5116, the America Competes Reauthorization Act of 2010. Chairman MILLER has been a champion of STEM education in the House and his Committee has been very supportive in helping shape the STEM education provisions in the Competes Act. I insert into the CONGRESSIONAL RECORD an exchange of letters between the Committees on Science and Technology and Education and Labor.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 5, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: In recognition of the desire to expedite consideration of H.R. 5116, the America COMPETES Reauthorization Act of 2010, the Committee on Education and Labor agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5116 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

GEORGE MILLER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 6, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your May 5, 2010 letter regarding H.R. 5116, the America COMPETES Reauthorization Act of 2010, Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Education and Labor. I acknowledge that by waiving rights to further consideration of H.R. 5116, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Education and Labor has jurisdiction in H.R. 5116, or similar legislation. A copy of our letters will be placed in the legislative report and the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

TRIBUTE TO TIM RUSSELL, BALDWIN COUNTY, ALABAMA PROBATE JUDGE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BONNER. Madam Speaker, I rise today to recognize a distinguished public servant from my home state, a man who has who has served as Mayor of the City of Foley, Revenue Commissioner for the State of Alabama and now, has returned to his beloved home county to assume the responsibilities as Baldwin County's new Probate Judge, the Honorable Tim Russell.

On April 16, Governor Bob Riley appointed Commissioner Russell to be the next Probate Judge of Baldwin County. Tim's selection was an outstanding choice.

As an Army Captain during the Vietnam War, Tim demonstrated leadership and loyalty to his country—vital qualities he still possesses. He was awarded the Army Commendation Medal for his military service.

As a businessman, Tim led Baldwin Mutual Insurance Company as president, while also taking the mantel of public service in his home town. He was elected mayor of Foley in 1996 and was re-elected twice, serving until 2006.

On March 3, 2008, Governor Bob Riley appointed Tim Russell as Alabama Revenue Commissioner. In this statewide position, Tim was responsible for the operation and management of the state's revenue collections, which exceed $8 billion annually. And as a key member of Governor Riley's cabinet, Tim used his experience in both business and public life to help advance the governor's agenda of always putting Alabama first. Throughout his 8 years in office, Governor Riley has always prided himself on assembling a truly world-class Cabinet and Tim Russell is one of the reasons why this statement was so true.

Tim's able stewardship of this major state agency made him the logical choice to replace former Baldwin County Probate Judge Adrian Jones, who recently retired to spend more time with his family. Tim officially took office on May 3, 2010.

Madam Speaker, Judge Russell has held numerous posts in many community organizations, including the South Baldwin Chamber of Commerce, the South Baldwin United Way, the Foley Rotary Club, and the Foley Library Board, to name just a few.

Tim has been the epitome of a servant leader and he and his wife, Sandy, are great friends, as well, to Janee and me. With this latest responsibility, I am confident that Judge Russell will continue to make his family, his friends and all of South Alabama extremely proud.

I congratulate Tim on his appointment and wish him and his family continued success and much happiness.

COBRA HEALTH BENEFITS EXTENSION ACT OF 2010

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mrs. DAVIS of California. Madam Speaker, I rise today on behalf of those relying on COBRA benefits for health coverage.

Millions of Americans have lost their jobs since the recession began in 2007. Unfortunately, when you lose your job, you generally lose your health insurance. For those with a preexisting condition or ongoing health problem, this common scenario can leave them with no health insurance and often no way to get coverage.

Section 113 of the House version of the health care reform bill gave unemployed Americans the option of staying on their COBRA insurance beyond the typical 18-month eligibility period. The provision was designed as a stopgap measure to prevent more people from becoming uninsured.

The Senate bill did not include similar provisions extending COBRA. With California's high unemployment rates, my office has received calls from San Diegans on the verge of losing their COBRA benefits with nowhere to turn for health insurance.

We know that COBRA coverage is not perfect. Premiums are generally higher because employers are no longer paying a portion of the cost. However, especially for those with significant health care costs, COBRA coverage is extremely valuable.

In fact, the average medical expenses for a patient with diabetes cost $13,000 per year, according to the Centers for Disease Control and Prevention, CDC. The average cost of treating breast cancer rose to nearly $21,000 and prostate cancer to over $41,000 in 2008, according to the National Cancer Institute.

Can you imagine facing these types of health care costs without any type of insurance? Because of the high unemployment rates, I fear many Americans are close to losing their COBRA eligibility.

I'm proud to introduce the COBRA Health Benefits Extension Act of 2010 with Chairman GEORGE MILLER, Congressman ROBERT ANDREWS, and Congressman JOE COURTNEY to help Americans keep their health insurance. Those on COBRA can stay with their coverage beyond standard eligibility periods until they find a new job providing insurance or until health insurance exchanges are available in 2014. They can also drop their COBRA coverage and enter a government-sponsored high-risk pool if they so choose. This legislation provides a bridge to those at risk of losing their health coverage so they do not have to go without insurance.

Madam Speaker, thank you very much for your efforts to make health coverage accessible and affordable.

THE DEEPWATER HORIZON TRAGEDY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. COHEN. Madam Speaker, nearly 1 month after the Deepwater Horizon oil spill began on April 20, oil continues to flow from the well, poisoning the Gulf and destroying the environment. The Deepwater Horizon Rig activities were considered by all to be a low risk drilling exploration. Such a classification sends chills up my spine given the countless riskier drilling ventures occurring along the coasts of this great Nation.

While millions of Americans tune into the news to watch the destruction of the Gulf Coast, the environment, and the economy of that area, I think of the thoughtless, baseless, and cavalier Republican energy chants "Drill Baby Drill." It echoes in the ears of the American public and anybody who cares about the Gulf Coast. Drill Baby Drill—what a farfetched plan given that the U.S. contains 2.2 percent of world oil reserves and consumes 25.9 percent of the world's oil consumption. You do not have to be a math scholar or a Nobel Prize economist to see the flaws of this strategy.

We need to find alternative forms of energy. We must use America's great resource and brainpower to harness the sun and to harness the wind. We must find new ways to help us with our problems of energy which will reduce our dependence on fossil fuels, protect our environment, and safeguard the flora and fauna.

We will never be able to drill our way to energy independence. Rather than invoking our brawn, we must utilize our brains and innovate, as Americans have done for generations. Rather than throwing our limited Federal dollars at the feet of oil giants, let's invest in American ingenuity and create an American clean energy economy. Rather than sucking out every last drop of oil and coal beneath the earth's surface destroying the air we breathe and water we drink, let's utilize renewable energy sources like solar and wind that enhance our environment.

The choice is clear—we can drill our way further into environmental destruction and oil dependence, or we can create a new energy economy that creates millions of jobs and protects the environment for future generations.

Recently I introduced legislation that will do just that—the 10 Million Solar Roofs and 10 Million Gallons of Solar Water Heating Act. This legislation will create an estimated 1.35 million direct and indirect jobs, lower energy costs, strengthen the economy, and put America on the path to energy independence.

Madam Speaker, we have to find a new direction and be like America has been in the past, innovative and creative.

A TRIBUTE TO BEVERLY LOWRY FOR HER FOUR DECADES OF PUBLIC SERVICE TO CALIFORNIA'S MOJAVE DESERT COMMUNITIES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to Beverly Lowry, a dear friend and dedicated public servant who has helped guide the city of Barstow and other High Desert communities for nearly 40 years.

A native of Emporia, Kansas, Mrs. Lowry has lived in California since 1947, and moved with her husband Al in 1966 to the Mojave Desert outpost of Barstow. Although she is a veteran traveler, she has called the desert her home ever since, raising two sons and watching two grandsons grow up there.

Friends of Bev Lowry know she is not one to sit on the sidelines, and just a few years after arriving in the desert she was elected to the Barstow Heights Community Services District board, which provided city-like services in an unincorporated area. During her 26-year service on that board, she oversaw the paving of nearly 33 miles of residential streets and the creation of a new off-ramp from Interstate 15 to serve the community.

Bev Lowry's involvement in public policy grew beyond local elected boards when she joined the staff of California State Sen. Walter Stiern in 1974. For the next 20 years, she served the constituents of legislators and county supervisors as a staff member, becoming a recognized expert at solving problems and resolving disagreements with county, State, and even Federal officials. Needless to say, since these were also my constituents as a member of Congress, I came to know Bev well and respect her greatly.

As both a staffer and a local representative, Bev Lowry was one of the leaders in securing State funding to build Silver Valley High School and the Newberry Springs Senior Center, as well as for the improvement of State Highway 58, an important cross-desert link.

Perhaps her most significant contributions to her community came through Bev Lowry's service as a board member of the Mojave Water Agency and her tremendous accomplishment as chairwoman of the committee to bring a State Veteran's Home to Barstow.

The Mojave Water Agency was created to deal with the serious problem of over-drafting of the underground basins that provide nearly all of the water for tens of thousands of desert residents. The agency was tasked with providing State Water Project water to residents of both the Mojave Desert and the eastern desert area known as the Morongo Basin. It was my honor to work with Bev and the other members of the MWA board to provide funding for pipelines to deliver this water, which now serves more than 100,000 people. The district has also begun an ambitious water reclamation plan, and Bev was here in the House Chamber to observe Federal approval for that plan.

Thanks to Bev Lowry's leadership, State officials in the 1990s chose Barstow over 28 competing locations to build the first State Veteran's Home in more than 100 years. The home provides a sanctuary for 400 retired and ambulatory veterans from throughout the High Desert area.

Bev Lowry has been deservedly recognized for her contributions, chosen as Woman of the Year by the Barstow Chamber of Commerce—and then selected by the chamber as Woman of the Decade in 1987.

Madam Speaker, every community in America wishes it had leaders like Beverly Lowry, who can pull people together and get major things accomplished. This weekend, Bev will be paid a wonderful tribute by the Barstow Community College Foundation, which is creating a scholarship in her name. I ask you and my colleagues to join me in congratulating Mrs. Lowry on her achievements, and thank her for her decades of public service.

CONGRESS CALLS FOR COMPREHENSIVE REVIEW OF LANDMINE POLICY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. MCGOVERN. Mr. Speaker, today 68 members of the United States Senate sent a bipartisan letter to President Obama calling for a comprehensive review of the U.S. policy on anti-personnel landmines, urging the Administration to identify any obstacles to joining the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. I am proud to say that 57 Members of the U.S. House of Representatives also sent a bipartisan letter to the President in support of their Senate colleagues.

Mr. Speaker, the United States has not exported anti-personnel mines since 1992; it has not produced anti-personnel landmines since 1997; and it has not used anti-personnel landmines since 1991. During the past decade, the United States has become the world's largest contributor to humanitarian demining and rehabilitation programs for landmine survivors. I firmly believe that it's time for the United States to formally join the 158 nations of the world who are parties to Convention banning anti-personnel landmines so that we can receive the credit for which our nation is long overdue and restore our leadership in shaping the Convention in the future.

I know that there are military questions that require review so that all sectors of our government are united in joining the Convention. I believe there are answers to these questions, answers that our NATO allies and other nations have confronted and overcome over the past decade as they complied with Convention's requirements. There is a wealth of experience and knowledge among our NATO allies, all of whom are parties to this Treaty, on adopting new military strategies and tactics, working with non-Treaty States, and identifying alternative weaponry as we abandon, once and for all, this indiscriminate, rogue weapon. I encourage our military leaders to reach out to our NATO partners and consult with their military counterparts on how they adapted and complied with the Landmine Ban Treaty.

Mr. Speaker, I have seen first-hand the results of anti-personnel landmines on civilians and soldiers in El Salvador and Colombia. I have talked with survivors from around the globe, including men and women who proudly wear the U.S. military uniform. I have met with landmine survivors, including children, who were only working their fields or walking to school when they stepped on a landmine. They are not victims, Mr. Speaker—they are survivors and leaders in a global movement to ban this weapon from all current and future arsenals. They are clear-eyed, sophisticated individuals who are determined that no one—in uniform or civilian—shall ever be harmed again by these weapons.

I believe, Mr. Speaker, that it is in our best national and security interests to join the Convention. Clearly, the bipartisan letter by our Senate colleagues and the supporting House letter show that the time has come for the United States to once again take up its leadership on this international issue. I ask unanimous consent to enter the House and Senate letters and related materials into the CONGRESSIONAL RECORD.

U.S. SENATE,
Washington, DC, May 18, 2010.

Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to convey our strong support for the Administration's decision to conduct a comprehensive review of United States policy on landmines. The Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, held last December in Cartagena, Colombia, makes this review particularly timely. It is also consistent with your commitment to reaffirm U.S. leadership in solving global problems and with your remarks in Oslo when you accepted the Nobel Peace Prize: "I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't."

These indiscriminate weapons are triggered by the victim, and even those that are designed to self-destruct after a period of time (so-called "smart" mines) pose a risk of being triggered by U.S. forces or civilians, such as a farmer working in the fields or a young child. It is our understanding that the United States has not exported anti-personnel mines since 1992, has not produced anti-personnel mines since 1997, and has not used anti-personnel mines since 1991. We are also proud that the United States is the world's largest contributor to humanitarian demining and rehabilitation programs for landmine survivors.

In the ten years since the Convention came into force, 158 nations have signed including the United Kingdom and other ISAF partners, as well as Iraq and Afghanistan which, like Colombia, are parties to the Convention and have suffered thousands of mine casualties. The Convention has led to a dramatic decline in the use, production, and export of anti-personnel mines.

We note that our NATO allies have addressed their force protection needs in accordance with their obligations under the Convention. We are also mindful that anti-personnel mines pose grave dangers to civilians, and that avoiding civilian casualties and the anger and resentment that result has become a key priority in building public support for our mission in Afghanistan. Finally, we are aware that antipersonnel mines in the Korean DMZ are South Korean mines, and that the U.S. has alternative munitions that are not victim-activated.

We believe the Administration's review should include consultations with the Departments of Defense and State as well as retired senior U.S. military officers and diplomats, allies such as Canada and the United Kingdom that played a key role in the negotiations on the Convention, Members of Congress, the International Committee of the Red Cross, and other experts on landmines, humanitarian law and arms control.

We are confident that through a thorough, deliberative review the Administration can identify any obstacles to joining the Convention and develop a plan to overcome them as soon as possible.

Sincerely,

Patrick J. Leahy; Richard G. Lugar; Jack Reed; Daniel K. Inouye; Olympia J. Snowe; Joseph I. Lieberman; George V. Voinovich; John F. Kerry; Orrin G. Hatch; Carl Levin; Charles E. Schumer; Robert F. Bennett; Jeff Bingaman; Susan M. Collins; Max Baucus; Judd Gregg; Arlen Specter; Sheldon Whitehouse; Harry Reid; Benjamin L. Cardin; Dianne Feinstein; Ben Nelson; Lisa Murkowski; Robert Menendez; Barbara A. Mikulski; Christopher J. Dodd; Sherrod Brown; Kent Conrad; Mike Crapo; Richard Durbin; Ron Wyden; Byron L. Dorgan; Evan Bayh; Michael F. Bennet; Russell D. Feingold; Maria Cantwell; Bill Nelson; Patty Murray; Blanche L. Lincoln; Mark R. Warner; George S. Lemieux; Mary L. Landrieu; Tim Johnson; Thomas R. Carper; Herb Kohl; Robert C. Byrd; Jon Tester; Edward E. Kaufman; Mark L. Pryor; Tom Udall; Claire McCaskill; Mark Udall; Kirsten E. Gillibrand; Frank R. Lautenberg; John D. Rockefeller, IV; Daniel K. Akaka; Kay R. Hagan; Jeanne Shaheen; Al Franken; Jeff Merkley; Debbie Stabenow; Mark Begich; Tom Harkin; Roland W. Burris; Robert P. Casey, Jr.; Amy Klobuchar; Barbara Boxer; Bernard Sanders.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 18, 2010.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to add our voices to our bipartisan Senate colleagues and convey our strong support for the Administration's decision to conduct a comprehensive review of United States policy on landmines. The Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, held recently in Cartagena, Colombia, makes this review particularly timely. It is also consistent with your commitment to reaffirm U.S. leadership in solving global problems and with your remarks in Oslo when you accepted the Nobel peace Prize: ''I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.''

These indiscriminate weapons are triggered by the victim, and even those that are designed to self-destruct after a period of time (so-called ''smart'' mines), pose a risk of being triggered by U.S. forces or civilians, such as a farmer working in the fields or a young child. It is our understanding that the United States has not exported anti-personnel mines since 1992, has not produced anti-personnel mines since 1997, and has not used anti-personnel mines since 1991. We are also proud that the United States is the world's largest contributor to humanitarian demining and rehabilitation programs for landmine survivors.

In the ten years since the Convention came into force, 158 nations have signed, including the United Kingdom and other ISAF partners, as well as Iraq and Afghanistan which, like Colombia, are parties to the Convention and have suffered thousands of mine casualties. The Convention has led to a dramatic decline in the use, production, and export of anti-personnel mines.

We note that our NATO allies have addressed their force protection needs in accordance with their obligations under the Convention. We are also mindful that anti-personnel mines pose grave dangers to civilians, and that avoiding civilian casualties and the anger and resentment that result has become a key priority in building public support for our mission in Afghanistan. Finally, we are aware that anti-personnel mines in the Korean DMZ are South Korean mines, and that the U.S. has alternative munitions that are not victim-activated.

We believe the Administration's review should include consultations with the Departments of Defense and State as well as retired senior U.S. military officers and diplomats, allies such as Canada and the United Kingdom that played a key role in the negotiations on the Convention, Members of Congress, the International Committee of the Red Cross, and other experts on landmines, humanitarian law and arms control. We are confident that through a thorough, deliberative process the Administration can identify any obstacles to joining the Convention and develop a plan to overcome them as soon as possible.

We look forward to hearing from you on plans for the review.

Sincerely,

James P. McGovern; Edward J. Markey; Janice D. Schakowsky; John Lewis; Nick J. Rahall II; Darrell E. Issa; Bob Filner; Sander M. Levin; Rosa L. DeLauro; James L. Oberstar; Collin C. Peterson; John Conyers, Jr.; Carolyn B. Maloney; Eleanor Holmes Norton; Betty McCollum; Peter Welch; Fortney Pete Stark; Charles B. Rangel; James P. Moran; Chaka Fattah; Raúl M. Grijalva; Lloyd Doggett; Michael M. Honda; Barbara Lee; Maurice D. Hinchey; Paul W. Hodes; Jesse L. Jackson, Jr.; Keith Ellison; Jerrold Nadler; Gary L. Ackerman; Jackie Speier; Tammy Baldwin; Henry C. ''Hank'' Johnson, Jr.; Sam Farr; Lynn C. Woolsey; Peter A. DeFazio; Melvin L. Watt; Michael H. Michaud; John J. Hall; John W. Olver; Earl Blumenauer; Marcia L. Fudge; Dennis J. Kucinich; Jim McDermott; Dale E. Kildee; Robert A. Brady; Lois Capps; Judy Chu; Rush D. Holt; Carol Shea-Porter; Michael E. Capuano; John Garamendi; José E. Serrano; Bobby L. Rush; Maxine Waters; Eni F. H. Faleomavaega; Susan A. Davis.

[From the United States Campaign to Ban Landmines, May 18, 2010]

SENATORS AND REPRESENTATIVES SUPPORT BAN ON LANDMINES: LETTERS SENT TO PRESIDENT OBAMA

WASHINGTON, DC.—A letter signed by 68 senators, asking the administration to join the 1997 Landmine Ban Treaty, was delivered to President Obama on Tuesday. The signers include 10 Republicans and two Independents and constitute more than the two-thirds of the Senate needed to ratify a treaty.

Sen. Patrick Leahy (VT–D) and Sen. George Voinovich (OH–R) circulated the Senate letter, and a similar letter in support of the Senate initiative, circulated by Rep. James McGovern (MA–D) and Rep. Darrell Issa (CA–R) in the House of Representatives, was also delivered to President Obama. The existence of the letters was made public on May 8, but the final versions, with all signatures, was delivered Tuesday.

In describing the use of antipersonnel landmines, Sen. Patrick Leahy said, ''The idea that a modern military like ours would be using indiscriminate, victim-activated weapons today is hard to reconcile with our current military objectives, particularly when you consider that the two countries (Iraq and Afghanistan) where our troops are fighting are parties to the treaty and the members of the coalition that we are leading in Afghanistan are also parties to the treaty.''

The Administration launched a review of U.S. landmine policy late last year, and in the letters the legislators say that they are ''confident that through a thorough, deliberative review the Administration can identify any obstacles to joining the Convention and develop a plan to overcome them as soon as possible.''

Rep. James McGovern, who circulated the letter in the House, said, ''A thorough review will show that the U.S. can play an even greater role in the world on landmines by formally joining the ban. The Senate letter demonstrates the support is there.''

The Congressional letters follow a letter sent to President Obama on March 22 by leaders from 65 national nongovernmental organizations that also urge the U.S. to relinquish antipersonnel landmines and join the 1997 Mine Ban Treaty without delay.

''The strong support these letters have received shows that Congress is firmly behind accession to the Mine Ban Treaty,'' said Zach Hudson, the coordinator of the U.S. Campaign to Ban Landmines (USCBL). ''The U.S. has not used these barbaric weapons in 19 years. With these letters, Congress adds its voice to that of the American people in calling on our government to join our NATO allies—and all of the 158 nations that have joined this treaty—and eliminate the use of landmines once and for all.''

[From the Washington Post, May 8, 2010]

SENATE PUSHES OBAMA ADMINISTRATION TO SIGN TREATY BANNING LAND MINES

(By Craig Whitlock and Glenn Kessler)

More than two-thirds of the Senate is urging the Obama administration to consider signing an international treaty that bans land mines, reviving a dormant campaign from the 1990s that left the United States divided from its closest allies.

Sen. Patrick J. Leahy (D–Vt.) said in an interview Friday that 68 senators had signed a letter to President Obama to support a ''comprehensive review'' of U.S. policy on land mines. The letter is an indication that there are enough votes in the Senate to ratify the treaty—at least 67 would be required—if Obama signs the measure, which has languished in Washington for a decade.

''We want to show we have enough people to ratify a treaty,'' Leahy said. ''I think there's an excellent opportunity that we'll finally do it.''

The pressure from Congress leaves the White House in an awkward position as it tries to navigate between Obama's desire to work closely with allies on security issues such as nuclear disarmament, while at the same time listening to advisers at the Pentagon, many of whom are leery of such campaigns.

The mine ban treaty was the result of a grass-roots movement championed by celebrities, including Princess Diana, and ordinary citizens such as Jody Williams, a Vermont native who won the 1997 Nobel Peace Prize for her role as founding coordinator of the International Campaign to Ban Land Mines. About 5,000 people a year—the majority of them civilians—are killed or maimed by mines scattered across 70 countries.

Neither President Bill Clinton nor President George W. Bush signed the treaty, which was negotiated in 1997 and took effect in 1999. Their rejections left the United States at odds with more than 150 countries that embraced the accord, including every member of NATO.

The treaty prohibits the manufacture, trade and stockpiling of land mines. The United States has not used antipersonnel mines since the Persian Gulf War in 1991 and stopped producing them in 1997, but the military keeps about 10 million of them in reserve.

In November, State Department spokesman Ian Kelly announced that the Obama administration had decided against signing the treaty, saying, "We would not be able to meet our national defense needs nor our security commitments to our friends and allies." But after Leahy and human-rights groups condemned the decision, the State Department said it would revisit the issue and conduct a broader policy review.

White House and State Department spokesmen emphasized Friday that the administration is in the midst of a comprehensive review, cutting across all affected agencies, that will not be completed for some months. But two senior U.S. officials speaking on the condition of anonymity indicated that the administration is actively looking for ways to come into compliance with the treaty without endangering national security needs.

"We are asking that if you come into compliance, what would be the costs and the benefits—and if there are costs, how can they be addressed in other ways," one senior official said.

The official described the administration's review as "a herculean effort" intended to "cut through reflexive reactions" to the issue of eliminating land mines from the Pentagon's arsenal.

Officials also said they welcomed the indication of bipartisan support represented by the Leahy letter.

Another senior U.S. official, speaking on the condition of anonymity to discuss internal deliberations, said the administration is looking at what new technologies could be used to bring the United States into compliance with the treaty while also allowing it to respond to threats such as North Korea. Some military officials want to maintain the U.S. stockpile in case it is needed to slow an invasion of South Korea by the North. About 30,000 U.S. forces are stationed in the South.

The Pentagon declined to say whether it would support the treaty, citing the Obama administration's review. "It would be premature at this time to provide any statement until the review is complete," said Geoff Morrell, the Pentagon press secretary.

Leahy, who has fought for a land-mine ban for many years, said there was bipartisan support in Congress for ratifying the treaty. Ten Republicans have signed the letter to Obama, which Leahy said will be delivered to the White House next week. The lead Republican co-sponsor is Sen. George V. Voinovich (Ohio), Leahy aides said.

In November, Leahy criticized the Obama administration's initial decision to reject the treaty as "a default of U.S. leadership." Since then, he said, White House and State Department officials have left him with the impression that they are seriously considering adopting the treaty, especially if he can help deliver the votes in a Senate that is usually sharply divided along partisan lines.

"It's been a much more positive response than I've seen in a long, long time," Leahy said of his talks with administration officials.

Leahy noted that Obama has pushed for a global reduction in nuclear arms; ignoring land mines, he added, could undercut U.S. diplomacy on that front. "If we want to keep the high moral ground, then we have to do it," he said.

Although Clinton did not sign the international mine ban, he ordered the Pentagon in 1998 to develop alternatives to antipersonnel mines, with the goal of giving them up completely by 2006.

In 2004, in response to objections from the Pentagon, Bush adopted a different policy that permits the U.S. military to use sophisticated mines that are designed to self-destruct within a fixed number of days. The idea was to reduce civilian casualties from unexploded mines left on the battlefield.

At the same time, Bush set a deadline of 2010 for the U.S. military to end the use of antipersonnel or anti-vehicle mines that lack timers. Obama administration officials have said that they are on track to meet that deadline this year.

Neither China nor Russia has ratified the international mine ban treaty. Human rights groups say there is little pressure for them to do so as long as the United States doesn't sign.

HONORING THE LIFE OF EL HADJ AMADOU THIOUF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to honor the life of a great educator, El Hadj Amadou Thiouf. Born in Bargny, Senegal, he devoted his entire life to the cause of education. Studying for 4 years at ecole normal William Ponty, an elite school in Thies, Senegal, he was first assigned to Lamingue, Kaolack, where he served for 2 years and met his wife Adj Fatou Ndoye. They were married on August 11, 1957.

From 1957 to 1971, he lived in Rufisque where he taught at three different institutions: Diokoul, Fass and Matar Seck. In 1971, he was sent to Matam, a city in northwest Senegal, and then moving again, serving in Bargny, the city of his birth, from 1972 to 1975.

In 1978, he returned to his hometown of Rufisque and became the principal of Thiokho Elementary School, the school close to his home and where his children attended. There, he remained as principal until 1985, when he became the head of El Hadj Ousseynou Diagne, the largest elementary school in Rufisque.

After a long and distinguished career as an educator, Mr. Thiouf retired on September 9, 1992. He is a recipient of the Ordre National du Lion, Senegal's highest national honor and the Chevalier des Palmes Acadèmiques for his lifelong dedication and commitment to education.

In 1998, Mr. Thiouf and his wife became permanent residents of the United States and spent half their time in the United States and the other half in Senegal.

He is survived by his widow Fatou Ndoye and their 10 children: Mame, Diaraf, Abdou, Seynabou, Pape, Adj, Sokhna, Awa and Mahomet. Mr. Thiouf also had 13 grandchildren. Their oldest son Alassane, a graduate of the University of Arizona, died in a tragic car accident in September 1990 in Senegal.

Madam Speaker, it is an honor to come before you today and share the life of this great man.

TRIBUTE TO SONNY CALLAHAN, 2009 MOBILIAN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to former Alabama Congressman Sonny Callahan, who was honored on April 8 with the Mobilian of the Year Award, presented by the Cottage Hill Civitan Club. Former Congressman Callahan received the Bienville Plaque and a proclamation from Mayor Sam Jones.

I was honored to deliver a tribute to Sonny Callahan's life and career during the award celebration on April 8 and below is an excerpt of my remarks.

The Sonny Callahan story is much like that of many other young men his age—and from that time in Mobile's past. But Sonny, according to those who have known him the longest, was always someone special. He had the good looks, the charm and personality that made other people feel good about themselves when they were with him.

He had a natural charisma and intellect, often masked with that Reagan-esque self-deprecating humor, that made Sonny, even to his peers and colleagues, a natural-born leader that people gravitated to for his counsel and advice, for his often unique perspective on life . . . or simply for a little humor and levity to lighten the moment.

As the story goes, we know he used those talents early on in the world of business and it was a success story that made for a natural campaign brochure.

I'll never forget what our wonderful friend, mentor and advisor, the late Bill Yeager, told me when I was first interviewing to be Sonny's campaign press secretary back in 1982 . . . Bill said, "Jo, Sonny's story of a self-made man who grew up with all the reasons not to succeed, but overcoming one obstacle after another, always finding a way to be successful, is not just biographical hype.

"Even if he is sometimes hard to pin-down," Bill told me, Sonny is truly one of the most decent human beings I have ever known."

And as Bill Yeager often was in his judgment of others, he was right on the money as it related to Sonny.

Sonny's early success on the campaign trail . . . he was elected to the Alabama House in 1970 and only once—in the 14 times his name appeared on the ballot—did he not finish first—was an omen of even bigger opportunities that would come.

But Sonny wasn't just someone who loved politics . . . he loved helping people.

And that, my friends, is a distinction that sadly, too few of us make when it comes to lumping everyone in politics in the same vat.

There were the light-hearted moments . . . like the time when Sonny was driving to Montgomery when the legislature was in session and his friend, Tommy Sandusky, had finally gotten one of those Motorola car phones almost a year after Sonny had gotten his first car telephone.

The story goes that Tommy was so proud of the fact that he had finally caught up to Sonny, that he pulled up to Sonny in his car at a stoplight in Montgomery, picked up the phone and called him to say, "hey Sonny, I just wanted you to know that I'm calling you on my car phone."

. . . to which Sonny—with that quick Callahan wit replied without missing a beat—"Tommy that's great . . . unfortunately, I can't talk right now because my other phone is ringing."

Sonny was always one step ahead of most of us. But the light-hearted memories take a back seat to the stories that were never written in the press but were the headlines of Sonny Callahan's amazing life.

I got a call the other day from a lady who said when she heard that Congressman Callahan had been named Mobilian of the Year, she simply wanted me to be sure and mention that had it not been for Sonny, her son . . . who at age two had meningitis which left him deaf and blind . . . would have been institutionalized. When her father arranged for her to go see Sonny to tell him her plight, Sonny promised her that he would help.

And help he did. Sonny found the money to start the area school for Deaf and Blind here in Mobile, patterned after the one in Talledega, and today, some 44 years later, her son was able to graduate from high school, go on to college and is now a successful young businessman. With tears of gratitude, this lady wanted me to say ''thank you'' to the man who helped give her son a new lease on life.

But that is just one of the many rich subchapters of the Sonny Callahan legacy. In truth, they all have a similar storyline.

Also from his days in the Legislature, there was Callahan Tuition tax credit that help Alabama's private colleges, like Spring Hill, Birmingham Southern and Huntington, assist young Alabamians with their dream of a college diploma.

Perhaps most lasting, there was also the Heritage Trust Fund that Sonny's leadership helped establish for the oil and gas leases that were being let in the mid-1970s. This fund mandated that the State invest the principal and instead live off the tens of millions of dollars that would accrue in interest every year, assisting dozens of worthwhile state programs over the past 30 years.

When Jack Edwards retired from Congress in 1984 after an impressive 20 years of service, Sonny got in the race to succeed him—with Jack's full blessings and support, no less—and shortly thereafter he began what would become an equally-impressive 18-year-run.

The kind of commitment to helping others that Sonny had become known for in the legislature soon became the hallmark of his Congressional service as well.

About six months after Sonny had taken office, we had the long-awaited dedication of the Tennessee-Tombigbee Waterway. It was every politican's dream . . . a beautiful, festive day, thousands of people in attendance, and everyone was in an upbeat mood.

Jack, naturally, was invited to sit on the speaker's platform with the governor, both senators, the mayor and all of the other dignitaries of the day. After all, Jack Edwards had spent practically his entire 20-year-tenure in Congress trying to keep the funding going for what was the biggest public works project in American history.

But true to form, when it came Sonny's turn to speak, the newly-minted freshman congressman took the microphone, thanked everyone for coming out and said, ''you know, Jack, you certainly accomplished a lot for our area during your 20 years in Congress. But let the record show that it was during my first six months in Congress that we were finally able to finish the Tenn-Tom!''

Jack likes to tell people that he knew then that he had backed the right man to follow in his footsteps.

While others in Congress have spent their time building monuments to themselves, Sonny quietly went about doing the work that a true member of the ''People's House'' takes pride in doing for it was always about the ''people'' that Sonny worked for . . . the young mother who had that blind and deaf son . . . the veteran whose government had forgotten him long after his service had ended . . . or the worker who toiled in the hot, un-air conditioned plant and never knew what the inside of a college classroom looked like, but who, when he became injured on the job, turned to Congressman Callahan for the help he needed.

As he gained seniority and certainly after his party had taken the majority in Congress with the historic 1994 election, Sonny never let the additional titles and responsibilities that came with those leadership positions change what was important to him.

Sure, when he became the Chairman of the House Appropriations Subcommittee on Foreign Operations—the committee that funds all of America's foreign aid—Sonny would come to the office often to find a line of Kings, Presidents and Prime Ministers waiting for just a few minutes of his time.

But Sonny would remind his staff . . . don't get too impressed, these folks are here to see ''the chairman.'' If it were not me, they'd be standing outside someone else's office.

And never once, when Sonny had control of a budget that was greater than the budgets of two or three states combined . . . did he ever think talking to a head of state was more important than talking to Mayor Shell in Atmore, Judge Biggs in Monroe County or some person who didn't have a title, but who just needed to talk to ''my congressman about a personal matter.''

If our friend, Mayer Mitchell, were still alive, he would be the first to tell you that when Sonny flew to Israel to meet late one night with Prime Minister Benjamin Netanyahu, to discuss a new plan that Sonny had conceived to decrease the economic aid to Israel while, at the same time, increase the military assistance to our best ally in the Middle East, neither Mayer nor even President Bill Clinton, who had told Sonny just hours before the trip that this couldn't be done, gave him any chance for success.

But succeed he did. And that's why when President Clinton needed a Republican to step up and provide the crucial support for his administration's plan for Bosnia—back when most Republicans and a lot of Democrats weren't eager to go along—the president turned to Sonny to provide that leadership.

Soon thereafter, others on both sides of the political aisle followed his leadership and this humble, self-described, ''back-bencher'' in Congress, was fast becoming a major player on the international stage.

From the pages of the Washington Post to the Wall Street Journal, conservative and liberal pundits alike called Chairman Callahan ''an unlikely champion.''

But once again, the folks in his hometown were always more comfortable calling him Sonny, not even congressman, and to him, that was his reassurance that he had not lost touch with those for whom he worked.

The list of his signature accomplishments throughout southwest Alabama is literally endless. I honestly don't know of a complete assessment.

But here's just a quick stab at some of the highlights . . . Sonny secured the initial funding for what is today the Mitchell Cancer Center at the University of South Alabama . . . he helped make the initial downpayment on the new library at Spring Hill College . . . he found the funding to restore the historic GM&O Building in downtown Mobile . . . he secured the first installment for a new bridge to replace congested tunnels along Interstate 10 . . .

The money to replace the 14 mile rail road bridge, funding for towns like Fairhope, Bayou La Batre, Jackson and Thomasville . . . Sonny got the money to help refurbish the historic old Monroe County Courthouse, just as he secured the funding for the Foley Beach Express.

When they start construction on the new VA cemetery in Baldwin County, it will be because of Sonny Callahan's determination—and leadership—several years ago, that this dream will one day soon become a reality.

But as I have said before, Sonny never did any of this for personal gratification or recognition. He did it because it was what the people of his district needed and wanted.

After he retired from Congress, grateful communities and groups alike began the naming process . . . a tiny little bridge near Foley, the airport in Fairhope, a building at Mercy Medical, a Boys and Girls Club in West Mobile.

No one did more to help make sure Mobile Bay was included in the National Estuary Program, or build on the work started by his predecessor to help expand and protect Bon Secour National Wildlife Refuge and Weeks Bay Estuary.

A few years ago, The University of Alabama was able to complete work on the finest child development center in the nation, thanks solely to Sonny Callahan's leadership.

At about the same time, the University of Alabama Birmingham established an endowed student scholars program in his honor because, as they said, his creation of the Child Survival and Diseases program—back when he was in Congress—guaranteed that children and adults—''from the Black Belt of Alabama all the way to Bangladesh—today enjoy cleaner water, safer food and a lower incidence of disease because of Sonny's labors.''

In 2004, our local veterans made him the ''Patriot of the Year,'' Governor Riley appointed him to serve on the board of the Alabama Port Authority . . .

And I'm telling you . . . I literally could go on and on.

There were also the gaffes . . . we've all made them and most of us, when we do, it eats us to the core. Not Sonny. He always kept things like that in perspective . . . like the time he admitted to being in the desert when Operation Desert Storm commenced. Sonny was in the desert . . . at a luxury hotel in Palm Springs playing golf . . . but that wasn't the sand most people were thinking about at the time.

Or the time that he told both President and Mrs. Clinton that they needed to slow down the money spigot going to other countries . . . you can imagine how much fun the press secretary had at the time trying to explain his comment ''it's Halloween in Washington and if you want to get some treats, just put a turban on your head and go knock on the White House door.''

The Washington press corps loved that line, Sonny got the President's attention but I got a migraine dealing with that one.

And of course, when Secretary of State Madeleine Albright was in Mobile, he meant it as a compliment when he said, ''Madeleine, you are like a flamingo in the barnyard of politics.''

She has actually told others that she couldn't have had a more supportive chairman to work with than Sonny Callahan so, congressman, I think she knew you were paying her a compliment.

But I'm going to close by saying this to tonight's honoree . . . and I want to say this as all of your friends and family are listening on . . .

As I've been reflecting back over our almost 3 decades together, your story really isn't like most everyone else's . . . for when you were given the opportunity . . . an opportunity that few people in life are really ever afforded . . . to do great things and to make your mark, you did—and I truly mean this—you always did it with humility and with humor . . . without the malice and nasty partisanship that is so prevalent in Washington today . . . you did it because of the greater good that would accrue to the benefit of untold numbers of people that you might not ever meet or know . . . but you did ''it'' . . . whatever ''it'' was . . . because ''it'' was the right thing to do at the right time to do it. Thank you, Sonny, for always being our champion.

Before I turn the microphone over to Mayor Jones, I would be extremely remiss if I did not thank two other groups of people who deserve special recognition . . . first of all, to Sonny's family . . . certainly his brothers and sisters and countless cousins, but most especially, his beloved Karen . . . wife, partner, soul-mate and mother to their six children.

Sonny used to say that Karen must have been the inspiration for the song, ''Wind Beneath My Wings,'' because she was always there for him, standing off in his shadow, never having the sunlight on her face . . . but he could fly higher than an eagle, because she was the wind beneath his wings.

I must admit that until I was elected to Congress, myself, in 2002—thanks in no small part to Sonny and the incredible reputation he had earned—you know, when Sonny retired he had the highest approval rating of any sitting member in the entire U.S. Congress at 92 percent—contrast that today with an approval rating for Congress, as a whole, at an embarrassing 13 percent nationally—and I don't know that even I fully appreciated the demanding, difficult—and yet absolutely critical roles—that the spouse and family of a public figure play.

But Karen, for all sacrifices that you, Scott, Patrick, Shawn, Chris, Kelly and the always close-to-our-heart, Cameron, have made . . . for the nights, the days, the weeks and the years that y'all have shared your wonderful husband—and daddy, and now granddaddy—with everyone else . . . thank you.

Mobile—and indeed the entire state of Alabama—is a better place to live because of the man you love and tonight, the man we honor.

Finally, and I know Sonny would be the first to agree with this, but I must also thank the tremendously dedicated, loyal and extremely talented staff that Sonny brought together during his many years in the public arena.

No one person can answer all the mail, return all the phone calls, make all the contacts that are required to be made and do everything else that is expected of a person who has 635,000 constituents—as well as a national responsibility—and while Sonny was the best I have ever seen in this often-misunderstood job, he was able to do what he did because he surrounded himself with a team that was second-to-none.

Together, his family and his staff can take great pride in knowing that the lives Sonny has touched . . . and the legacy Sonny has built . . . is a living testament to your unselfish love, loyalty and admiration of a man known by kings and presidents . . . movie stars and musicians . . . truck drivers and ditch-diggers . . . simply as our friend, Sonny Callahan.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3849–S3949

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 3382–3383, and S. Con. Res. 63. **Page S3908**

Measures Reported:

H.R. 3250, to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634, to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892, to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 3951, to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

H.R. 4017, to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095, to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139, to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214, to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238, to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425, to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547, to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4624, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office".

H.R. 4628, to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

H.R. 4840, to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office", with an amendment.

S. 2874, to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

S. 2945, to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

S. 3012, to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

S. 3013, to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

S. 3200, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building". **Pages S3907–08**

Measures Passed:

Veterans Affairs Health Care Minimum Essential Coverage: Senate passed H.R. 5014, to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage, clearing the measure for the President. **Pages S3946–47**

Federal Hiring Process Improvement Act: Senate passed S. 736, to provide for improvements in the Federal hiring process, after agreeing to the committee amendment in the nature of a substitute. **Pages S3947–48**

Measures Considered:

Restoring American Financial Stability Act—Agreement: Senate continued consideration of S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, taking action on the following amendments proposed thereto: **Pages S3856–64, S3864–3902**

Adopted:

Brownback Amendment No. 3997 (to Amendment No. 3739), to require annual disclosure by certain persons to the Securities and Exchange Commission if columbitetantalite, cassiterite, gold, or wolframite from the Democratic Republic of Congo are necessary to the functionality or production of a product manufactured by the person. **Pages S3865–66**

By 80 yeas to 18 nays (Vote No. 155), Carper Amendment No. 4071 (to Amendment No. 3739), to address the applicability and preservation of certain State authorities. **Pages S3868–72, S3872–73**

Bingaman Further Modified Amendment No. 3892 (to Amendment No. 3739), to preserve the authority of the Federal Energy Regulatory Commission to ensure just and reasonable electric and natural gas rates and to protect the public interest. **Pages S3879–81, S3890–94**

By 75 yeas to 21 nays (Vote No. 157), Grassley/McCaskill Amendment No. 4072 (to Amendment No. 3739), to provide for the independence of Inspectors General of certain designated Federal entities. **Pages S3881–84, S3894–95**

Rejected:

By 43 yeas to 55 nays (Vote No. 154), Corker Amendment No. 4034 (to Amendment No. 3739), to address the applicability of certain State authorities with respect to national banks. **Pages S3866–68, S3872**

Dorgan Amendment No. 4114 (to Amendment No. 4072), to ban naked credit default swaps. (By 57 yeas to 38 nays (Vote No. 156) Senate tabled the amendment.) **Pages S3884, S3894**

Withdrawn:

By 47 yeas to 50 nays (Vote No. 153), Gregg Modified Amendment No. 4051 (to Amendment No. 3739), to prohibit taxpayer bailouts of fiscally irresponsible State and local governments. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S3856–61, S3862**

Pending:

Reid (for Dodd/Lincoln) Amendment No. 3739, in the nature of a substitute. **Page S3856**

Brownback Further Modified Amendment No. 3789 (to Amendment No. 3739), to provide for an exclusion from the authority of the Bureau of Consumer Financial Protection for certain automobile manufacturers. **Page S3856**

Brownback (for Snowe/Pryor) Amendment No. 3883 (to Amendment No. 3739), to ensure small business fairness and regulatory transparency. **Pages S3856, S3884–90**

Specter Modified Amendment No. 3776 (to Amendment No. 3739), to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act. **Page S3856**

Dodd (for Leahy) Amendment No. 3823 (to Amendment No. 3739), to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. **Page S3856**

Whitehouse Modified Amendment No. 3746 (to Amendment No. 3739), to restore to the States the right to protect consumers from usurious lenders. **Page S3856**

Dodd (for Cantwell) Modified Amendment No. 3884 (to Amendment No. 3739), to impose appropriate limitations on affiliations with certain member banks. **Pages S3856, S3861–62**

Cardin Amendment No. 4050 (to Amendment No. 3739), to require the disclosure of payments by resource extraction issuers. **Page S3856**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, May 19, 2010; provided further, that the cloture vote on Reid (for Dodd/Lincoln) Amendment No. 3739 (listed above), occur at 2 p.m.; and that members have until 1 p.m., to file germane second-degree amendments. **Page S3948**

Appointments:

Public Interest Declassification Board: The Chair, on behalf to the Minority Leader, pursuant to Public Law 106–567, appointed the following individual to serve as a member of the Public Interest Declassification Board: William A. Burck, of the District of Columbia. **Page S3948**

Pistole Nomination—Referral: A unanimous-consent agreement was reached providing that the nomination of John S. Pistole, of Virginia, to be Assistant Secretary, Department of Homeland Security

(Transportation Security Administration), received by the Senate on Monday, May 17, 2010 and referred to the Committee on Commerce, Science, and Transportation; that upon the reporting out or discharge of the nomination, the nomination then be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 calendar days; after which the nomination, if still in the committee, be discharged and placed on the Executive Calendar. **Page S3948**

Nominations Received: Senate received the following nominations:

Helen Patricia Reed-Rowe, of Maryland, to be Ambassador to the Republic of Palau.

1 Air Force nomination in the rank of general.

2 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, and Navy. **Pages S3948–49**

Executive Communications: **Pages S3906–07**

Additional Cosponsors: **Pages S3908–10**

Statements on Introduced Bills/Resolutions: **Page S3910**

Additional Statements: **Pages S3905–06**

Amendments Submitted: **Pages S3910–46**

Notices of Hearings/Meetings: **Page S3946**

Authorities for Committees to Meet: **Page S3946**

Record Votes: Five record votes were taken today. (Total—157) **Pages S3862, S3872, S3894, S3894–95**

Adjournment: Senate convened at 10 a.m. and adjourned at 9:40 p.m., until 9:30 a.m. on Wednesday, May 19, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3849.)

Committee Meetings

(Committees not listed did not meet)

PACIFIC COMMAND AND EUROPEAN COMMAND BUDGET

Committee on Appropriations: Subcommittee on Defense received a closed briefing on proposed budget estimates for fiscal year 2011 for the Pacific Command and European Command programs from Admiral James G. Stavridis, USN, Supreme Allied Commander, Europe, and Commander, United States European Command, and Admiral Robert F. Willard, USN, Commander, Pacific Command, both of the Department of Defense.

GULF COAST OIL SPILL

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine response efforts to the Gulf Coast oil spill, after receiving testimony from Admiral Thad Allen, National Incident Commander, United States Coast Guard, Department of Homeland Security; Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce; Lamar McKay, BP America, and Steven Newman, Transocean, Ltd., both of Houston, Texas; and Deborah French McCay, Applied Science Associates, Inc., South Kingstown, Rhode Island.

OFFSHORE OIL AND GAS EXPLORATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine issues related to offshore oil and gas exploration including the accident involving the Deepwater Horizon in the Gulf of Mexico, after receiving testimony from Ken Salazar, Secretary, Elizabeth Birnbaum, Director, Minerals Management Service, Wilma Lewis, Assistant Secretary for Land and Minerals Management, and David J. Hayes, Deputy Secretary, all of the Department of the Interior.

OIL SPILL IN THE GULF OF MEXICO

Committee on Environment and Public Works: Committee concluded a hearing to examine Federal response to the recent oil spill in the Gulf of Mexico, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency; Ken Salazar, Secretary of the Interior; Nancy H. Sutley, Chair, Council on Environmental Quality, Executive Office of the President; Rear Admiral Peter Neffenger, Deputy National Incident Commander, United States Coast Guard, Department of Homeland Security; Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, Department of Defense; and John R. Fernandez, Assistant Secretary of Commerce for Economic Development.

THE NEW STRATEGIC ARMS REDUCTION TREATY

Committee on Foreign Relations: Committee concluded a hearing to examine the new Strategic Arms Reduction Treaty (START), after receiving testimony from Hillary Rodham Clinton, Secretary of State; and Robert M. Gates, Secretary, and Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

ELEMENTARY AND SECONDARY EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on supporting student health, physical education, and well-being, after receiving testimony from Russell R. Pate, University of South Carolina, Columbia; Timothy P. Shriver, Special Olympics, Washington, D.C.; Toni Yancey, University of California, Los Angeles; Barbara Levin, Chota Community Health Services, Madisonville, Tennessee; and Beth Kirkpatrick, POLAR Electro, Inc, Grundy Center, Iowa.

DRUG ENFORCEMENT AND RULE OF LAW

Committee on the Judiciary: Subcommittee on Human Rights and the Law concluded a hearing to examine drug enforcement and rule of law, focusing on Mexico and Colombia, after receiving testimony from Lanny A. Breuer, Assistant Attorney General, Department of Justice; David T. Johnson, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Lawrence G. Wasden, Idaho Attorney General, Boise; Gary K. King, New Mexico Attorney General, Santa Fe; Jose Miguel Vivanco, Human Rights Watch, Washington, DC; and Maria Elena Morera De Galindo, Causa en Comun, Mexico City, Mexico.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 5319–5338; and 10 resolutions, H. Con. Res. 279; and H. Res. 1362–1370, were introduced. **Pages H3540–41**

Additional Cosponsors: **Pages H3541–43**

Reports Filed: Reports were filed today as follows:

H.R. 2288, to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, with an amendment (H. Rept. 111–481);

H.R. 4491, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks (H. Rept. 111–482);

H.R. 3511, to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, with an amendment (H. Rept. 111–483);

H.R. 4493, to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, with an amendment (H. Rept. 111–484);

H.R. 5128, to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building", with amendments (H. Rept. 111–485); and

H.R. 4842, to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, with an amendment (H. Rept. 111–486, Pt. 1). **Pages H3539–40**

Recess: The House recessed at 12:38 p.m. and reconvened at 2 p.m. **Page H3487**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Endangered Fish Recovery Programs Improvement Act: H.R. 2288, amended, to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, by a ⅔ yea-and-nay vote of 264 yeas to 122 nays, Roll No. 273; **Pages H3489–91, H3512**

Buffalo Soldiers in the National Parks Study Act: H.R. 4491, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks; **Pages H3491–92**

Recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California: H. Con. Res. 211, to recognize the 75th anniversary of the establishment of the East Bay Regional Park District in California; **Pages H3492–93**

Honoring the life, achievements, and contributions of Floyd Dominy: H. Res. 1327, to honor the life, achievements, and contributions of Floyd Dominy, by a 2/3 yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 275; **Pages H3493–95, H3513–14**

Federal Judiciary Administrative Improvements Act of 2010: S. 1782, to provide improvements for the operations of the Federal courts; **Pages H3500–01**

Katie Sepich Enhanced DNA Collection Act of 2010: H.R. 4614, amended, to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes, by a 2/3 yea-and-nay vote of 357 yeas to 32 nays, Roll No. 274; **Pages H3502–05, H3512–13**

Supporting the goals and ideals of American Craft Beer Week: H. Res. 1297, to support the goals and ideals of American Craft Beer Week; and **Pages H3509–10**

Honoring Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing: H. Res. 792, amended, to honor Robert Kelly Slater for his outstanding and unprecedented achievements in the world of surfing and for being an ambassador of the sport and excellent role model. **Pages H3510–12**

Agreed to amend the title so as to read: "Recognizing and honoring Robert Kelly Slater for winning the 2010 Rip Curl Pro Bell Championship and for his other outstanding achievements in the world of surfing.". **Page H3512**

Recess: The House recessed at 5 p.m. and reconvened at 6:33 p.m. **Page H3512**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Juvenile Accountability Block Grants Program Reauthorization Act: H.R. 1514, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014; **Pages H3495–96**

Recognizing National Missing Children's Day: H. Res. 1325, amended, to recognize National Missing Children's Day; **Pages H3496–98**

Celebrating the life and achievements of Lena Mary Calhoun Horne: H. Res. 1362, to celebrate the life and achievements of Lena Mary Calhoun Horne and to honor her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people; **Pages H3498–3500**

Honoring the historic and community significance of the Chatham County Courthouse: H. Res. 1364, to honor the historic and community significance of the Chatham County Courthouse and to express condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010; **Pages H3501–02**

Michael C. Rothberg Post Office Designation Act: H.R. 5099, to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office"; **Pages H3505–06**

Congratulating Phil Mickelson on winning the 2010 Masters golf tournament: H. Res. 1256, to congratulate Phil Mickelson on winning the 2010 Masters golf tournament; and **Pages H3506–07**

Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States: H. Res. 403, amended, to express the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States. **Pages H3507–09**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H3489.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H3512, H3512–13, and H3513–14. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:29 p.m.

Committee Meetings

GAO HEAD START GRANTEES REVIEW

Committee on Education and Labor: Held a hearing to examine GAO's Review of Selected Head Start Grantees. Testimony was heard from Carmen R. Nazario, Assistant Secretary, Children and Families, Department of Health and Human Services, and Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, GAO.

SMALL BUSINESS LENDING INITIATIVES

Committee on Financial Services: Held a hearing entitled "Initiatives to Promote Small Business Lending, Jobs and Economic Growth." Testimony was heard from Gene B. Sperling, Counselor to the Secretary of the Treasury; Department of the Treasury; Paul Atkins, member, Congressional Oversight Panel, and former Commissioner, SEC; Christian S. Johansson, Secretary, Department of Business and Economic Development, State of Maryland; and public witnesses.

NORTH MARIANA ISLANDS AND GUAM FEDERALIZATION

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the implementation of Public Law 110–229 to the Commonwealth of the Northern Mariana Islands and Guam. Testimony was heard from David B. Gootnick, Director, International Affairs and Trade, GAO; Anthony M. Babauta, Assistant Secretary, Office of Insular Affairs, Department of the Interior; Felix P. Camacho, Governor, Guam; the following officials of the Commonwealth of the Northern Mariana Islands: Benigno Repeki Fitial, Governor; Paul Manglona, Senate President; and Frederick P. Deleon Guerrero, Chairman, Standing Committee on Federal and Foreign Relations, House of Representatives, both with the 17th Northern Mariana Commonwealth Legislature; and a public witness.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D509)*

H.R. 5146, to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011. Signed on May 14, 2010. (Public Law 111–165)

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 19, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Washington Metropolitan Area Transit Authority (Metro), 3:30 p.m., SD–138.

Committee on Commerce, Science, and Transportation: to hold hearings to examine S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the proposed Constitution of the U.S. Virgin Islands, S. 2941, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States, and H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico, 9:30 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 1651, to modify a land grant patent issued by the Secretary of the Interior, S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia, S. 1801, to establish the First State National Historical Park in the State of Delaware, S. 1802 and H.R. 685, bills to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, S. 2953 and H.R. 3388, bills to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 3159 and H.R. 4395, bills to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 3168, to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield, and S. 3303, to establish the Chimney Rock National Monument in the State of Colorado, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine empowering Haiti to rebuild better, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the history and lessons of the Strategic Arms Reduction Treaty (START), 2:30 p.m., SD–419.

Committee on the Judiciary: to hold hearings to examine renewing America's commitment to the refugee convention, focusing on the Refugee Protection Act of 2010, 10 a.m., SD–226.

Committee on Rules and Administration: to resume hearings to examine the filibuster, focusing on the filibuster today and its consequences, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration, 10 a.m., SR–428A.

Full Committee, to hold hearings to examine the Small Business Administration (SBA) Disaster Assistance Program and the impact of the Deepwater Horizon oil spill on small businesses, 11 a.m., SR–428A.

Committee on Veterans' Affairs: to hold hearings to examine S. 1780, to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs, S. 1866, to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries, S. 1939, to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, S. 1940, to require the Secretary of Veterans Affairs to carry out a study on the effects on children of exposure of their parents to herbicides used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era, S. 2751, to designate the Department of Veterans Affairs medical center in Big Spring, Texas, as the George H. O'Brien, Jr., Department of Veterans Medical Center, S. 3035, to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, S. 3107, to amend title 38 , United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 3192, to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, S. 3234, to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, S. 3286, to require the Secretary of Veterans Affairs to carry out a pilot program on the award of grants to State and local government agencies and nonprofit organizations to provide assistance to veterans with their submittal of claims to the Veterans Benefits Administration, S. 3314, to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, S. 3325, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, S. 3330, to amend title 38, United States Code, to make certain improvements in the administration of medical facilities of the Department of Veterans Affairs, S. 3348, to amend title 38, United States Code, to provide for the treatment of documents that express disagreement with decisions of the Board of Veterans' Appeals and that are misfiled with the Board within 120 days of such decisions as motions for reconsideration of such decisions, S. 3352, to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, S. 3355, to provide for an Internet website for information on benefits, resource, services, and opportunities for veterans and their families and caregivers, S. 3367, to amend title 38, United States Code, to increase the rate of pension for disabled veterans who are married to one another and both of whom require regular aid and attendance, S. 3368, to amend title 38, United States Code, to authorize certain individuals to sign claims filed with the Secretary of Veterans Affairs on behalf of claimants, and S. 3370, to amend title 38, United States Code, to improve the process by which an individual files jointly for social security and dependency and indemnity compensation, 9:30 a.m., SR–418.

House

Committee on Armed Services, to mark up H.R. 5136, National Defense Authorization Act for Fiscal Year 2011, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, hearing on Research and Best Practices on Successful School Turnaround, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Environment, to mark up the Assistance, Quality, and Affordability Act of 2010, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to consider H.R. 5297, Small Business Lending Fund Act of 2010, 10 a.m., 2128 Rayburn.

Committee on Homeland Security, hearing entitled "Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners," 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy, 2 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing entitled "Jobs, Jobs, Jobs: Transforming Federal Hiring," 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled "Defense Acquisitions: One Year After Reform," 10 a.m., 2154 Rayburn.

Committee on Rules, hearing and markup on a resolution Granting the authority provided under clause 4 (c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigations into underground coal mining safety, 2 p.m., H–313 Capitol.

Committee on Science and Technology, hearing on Charting the Course for American Nuclear Technology: Evaluating the Department of Energy's Nuclear Energy Research and Development Roadmap, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Deepwater Horizon: Oil Spill Prevention and Response Measures and Natural Resources Impacts, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on Assessing Information Security at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, hearing on tax proposals related to legislation to legalize Internet gambling, 9:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, hearing on Financial Intelligence, 1 p.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 19

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 3217, Restoring American Financial Stability Act, and vote on the motion to invoke cloture on Reid (for Dodd/Lincoln) Amendment No. 3739 at 2 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 19

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 2136—Honorable Stephanie Tubbs Jones College Fire Prevention Act; (2) H. Res. 1292—Congratulating the Emporia State University Lady Hornets women's basketball team; (3) H. Res. 1336—Congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship; (4) H. Res. 996—Expressing support for designation of September as National Childhood Obesity Awareness Month; (5) H. Res. 713—Recognizing the significant contributions of United States automobile dealerships; (6) H.R. 2546—Blue Star/Gold Star Flag Act; (7) H.R. 1177—5-Star Generals Commemorative Coin Act; (8) H.R. 5128—The "Stewart Lee Udall Department of the Interior Building" Designation Act; and (9) H. Res. 1339—Expressing support for designation of May as National Foster Care Month.

Extensions of Remarks, as inserted in this issue

HOUSE

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